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1 this for me today?

2 MR. PADDEN: Just -- Michelle, just  
3 wait for his next question. Okay?

4 A. I'm asking you, are you going to --

5 MR. PADDEN: I'll deal with that. I'll  
6 deal with that. Just wait for his question, please.

7 Q. Respectfully, it has been produce --

8 A. It's hasn't been produced.

9 MR. PADDEN: Okay. He's just --  
10 Michelle, he's just claiming it's been produced.  
11 We're claiming that we can't open it. We get it.  
12 Wait for his next question, please.

13 Q. I'm about to show you how to access exactly  
14 what's produced. Okay?

15 MR. TIMMERMAN: Mike, you want to see  
16 this, too?

17 MR. PADDEN: Look, I don't want to have  
18 an education session. Let's continue --

19 THE WITNESS: I want another copy.

20 MR. PADDEN: Look --

21 THE WITNESS: This has been an ongoing  
22 month --

23 MR. PADDEN: I understand that. Okay.  
24 He's going to ask questions about a video. Let's  
25 just stay on task. Okay? Thank you.

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1 THE WITNESS: A video he's watched  
2 fully and I can't even open. And I was in -- in  
3 a --

4 MR. PADDEN: I understand, Michelle.

5 THE WITNESS: -- state.

6 MR. PADDEN: I understand. Just wait  
7 for the next question, please.

8 THE WITNESS: Part of the corruption.

9 BY MR. TIMMERMAN:

10 Q. I'm part of the corruption?

11 A. Yes, you are.

12 Q. What evidence do you have of that? Are you  
13 accusing me of corruption on the record?

14 MR. PADDEN: I think she's --

15 Q. I want it clarified. This is important.

16 MR. PADDEN: Answer the question,  
17 Michelle, since you opened the door, answer the  
18 question how he's corrupt.

19 A. You are not providing me with the evidence  
20 that I need and pretending to. And I -- we sat in a  
21 meeting with Mr. Grigsby and you said you were going  
22 to give me another copy of the video, you said you  
23 were going to give me a copy of the September 11th  
24 video so I could identify the deputies, and you have  
25 not done so. Another copy.

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1 Q. Let's watch the video. Here you come in the  
2 wheelchair, correct?

3 A. Okay.

4 Q. And who is that?

5 A. That's Melton.

6 Q. Okay. And this is the tunnel you were led  
7 through, correct?

8 A. Yes.

9 Q. And who is that?

10 A. That looks like Gonder.

11 Q. He's with another inmate, correct?

12 A. Looks like it.

13 Q. Seeing this video does this refresh your  
14 recollection of who took you to the jail?

15 A. It was Gonder and Melton and then somebody  
16 else got in the elevator with me, so there were  
17 three, three of them.

18 Q. And then on September 13, 2013 you were  
19 escorted to and from court, correct, from the jail  
20 to and from court? Do you recall that?

21 A. The next day?

22 Q. Correct. You appeared before  
23 Judge Wermager, correct?

24 A. Yes, yes.

25 Q. Do you know the name of the deputy who

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1 escorted you to court before Judge Wermager?

2 A. I don't -- you'll have to show me the video.  
3 I think it was Wegner.

4 Q. Okay.

5 A. And the escort is a period of time, by the  
6 way, it's not these snippets that you're taking. It  
7 started with three deputies escorting me. And then  
8 this is the snippet where one is standing behind.

9 Q. Okay.

10 A. Yes. And most four. That's why I would  
11 like to request on the record that I get that video  
12 from you.

13 MR. PADDEN: We've done that four times  
14 now. Okay. We get it.

15 A. And it's been months.

16 Q. How long were you at the courthouse on  
17 September 13th, between the time you were escorted  
18 there and the time you were brought back, roughly  
19 how much time elapsed?

20 A. Escorted from one point to the other?

21 Q. Between the time you --

22 A. So I went from a cell to -- I don't  
23 understand your question.

24 Q. Sure. Between the time that you left the  
25 jail to be escorted to the courtroom and the time

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1 that you returned to the jail from the courtroom,  
2 how much time elapsed in between those two  
3 benchmarks?

4 A. It'll show it on the video I'm sure. I  
5 don't know how much time. It seemed like forever  
6 when you're in that condition that they put me in.

7 Q. And Exhibit No. 6 reflects, if you will,  
8 please look at Exhibit No. 6 --

9 A. Mm-hmm.

10 Q. -- reflects that inmate released at  
11 9-13-2013, 16:20 military time, so that would be,  
12 back with military time, 4:20 p.m.?

13 A. 4:20. I know it was after the media left.  
14 So they waited around as far as I know, and after  
15 they left they released me.

16 Q. Okay. Do you recall what time your  
17 release --

18 A. It was late in the afternoon, as late as  
19 they could release me. Close to 5, right, that  
20 would be.

21 (MacDonald Deposition Exhibit No. 7  
22 marked for identification.)

23 BY MR. TIMMERMAN:

24 Q. Ms. MacDonald, this is Exhibit 7 to your  
25 deposition. Have you seen this before?

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1 A. Yes.

2 Q. Okay. Any reason for disputing that this  
3 photo roster was produced to your former counsel in  
4 June of 2015?

5 A. You gave it to me directly.

6 Q. Okay.

7 A. When I was asking for the video, that you  
8 still have not produced, you gave me this instead as  
9 if I'm supposed to pick from this when swarms of  
10 people in uniforms are all over me, I'm supposed to  
11 know who they are. I want to watch the video,  
12 please, and then I'll identify these people. You  
13 just identified one person, a woman, right, that  
14 frisked me? So that's how I want to do it. I want  
15 to watch the video --

16 MR. PADDEN: He gets to do the  
17 deposition. Okay. It's okay. We get your point.

18 Q. And I want to make clear for the record that  
19 in June of 2015 I did produce the jail video with  
20 directions of how to access the jail video with the  
21 specialized player that's required, a copy of which  
22 was also embedded in the video that was produced for  
23 use and viewing of the video.

24 A. And I want to make a record that I want --

25 Q. I'm not done yet.

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1 A. That those directions didn't work.

2 MR. PADDEN: Let him --

3 Q. I'm not done yet.

4 MR. PADDEN: Let him complete his  
5 thought.

6 A. So just acknowledge that I need another copy  
7 of the video and get it to me today. It's right  
8 around the corner. That's all. Thank you.

9 MR. PADDEN: And for the record, I  
10 would also like to acknowledge I did not represent  
11 plaintiff at that time so I'm really not privy to  
12 what went on.

13 MR. TIMMERMAN: You did not. And I  
14 will also represent on the record that I had offered  
15 to Ms. Tayari Garrett and Mr. Busch to walk them  
16 through playing the jail video if they had questions  
17 on how to access it.

18 A. You had also offered that I could come here  
19 and watch it myself, so I will accept that offer.  
20 So stop pretending that we can't -- we can't open  
21 the video. That's the bottom line. Okay?

22 BY MR. TIMMERMAN:

23 Q. Okay. Well --

24 A. So why are you asking me these questions?

25 MR. PADDEN: It doesn't matter. He can

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1 ask whatever he wants subject to objections, so.

2 Q. I certainly want to enable you to watch the  
3 video.

4 A. I'm not sure of it because it's been months.  
5 So don't pretend you want me to watch the video. We  
6 could go watch it right now or we could watch it  
7 right here on the screen afterwards. All I want to  
8 do is watch it. Thank you.

9 Q. And you'll have that opportunity for sure.

10 A. And I want September 11th as well that you  
11 promised.

12 Q. I didn't promise September 11th. We had  
13 discussion --

14 A. Yes, you did.

15 MR. PADDEN: Okay.

16 Q. We're not going to talk about this on the  
17 record at your deposition. If you want September  
18 11th, bring a motion to compel.

19 Let's turn to the first individual on this  
20 roster, Farrel Byrd. Do you recognize him?

21 A. Doesn't look familiar.

22 MR. PADDEN: Hold on a second, Jeff,  
23 where are you referring to?

24 MR. TIMMERMAN: And, actually, I  
25 apologize, this was stapled wrong.



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1 MR. PADDEN: Okay.

2 BY MR. TIMMERMAN:

3 Q. Do you recall interacting with Farrel Byrd  
4 at all at the jail?

5 A. It doesn't -- he doesn't look familiar to  
6 me. I interacted with all kinds of deputies.

7 Q. And we have Jennifer Cho. And we've seen  
8 Sergeant Cho in the video, correct?

9 A. Seen her, yes.

10 Q. Did you interact with Sergeant Cho at all at  
11 the jail to the best of your recollection?

12 A. Now I know I have, yes.

13 Q. You interacted with her in the courtroom  
14 holding cell.

15 A. Yes.

16 Q. I'm asking at the jail. Did you interact  
17 with her at all at the jail?

18 A. You need to understand also that some of  
19 these deputies I see because I come to the Hennepin  
20 County court. So I want to make sure if I'm  
21 recognizing them, I'm recognizing them from the  
22 video.

23 Q. And I understand that.

24 A. So Cho, now I recognize from the video. But  
25 I would have recognized -- when I got this I said,

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1 oh, that's a deputy that I've seen before. Do you  
2 see what I mean? I don't want to -- I want to get  
3 them right.

4 MR. PADDEN: Yeah, Jeff, so --

5 Q. My questions -- and I can maybe clarify  
6 this.

7 MR. PADDEN: No, and I'm not trying  
8 to -- I'm not trying to obstruct your deposition.  
9 But just to be clear, is your line of inquiry  
10 regarding these folks I take it concerning the  
11 circumstances of this litigation?

12 MR. TIMMERMAN: Correct.

13 MR. PADDEN: As opposed to --

14 MR. TIMMERMAN: Correct.

15 MR. PADDEN: Because she litigates a  
16 lot of cases.

17 MR. TIMMERMAN: And I'll narrow it down  
18 even more for you.

19 MR. PADDEN: Okay.

20 BY MR. TIMMERMAN:

21 Q. My line of questioning with regard to this  
22 roster, which was produced in June of 2015, is  
23 whether or not you recall interacting with any of  
24 these people at the jail, not at the courtroom  
25 holding facility, at the jail specifically.

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1 MR. PADDEN: Thanks for the clarity.

2 Q. On September 12th or 13th of 2013, do you  
3 recall interacting with Sergeant Cho at the jail on  
4 those dates?

5 A. I've just seen the video so now I recall  
6 interacting with Jennifer Cho.

7 Q. What about Deputy Russell Crissman?

8 A. I would have to look at the video to see if  
9 I interacted with Russel Crissman.

10 Q. Now, you've referenced in your pleadings  
11 that a deputy named Chris released you from jail  
12 ultimately.

13 A. Oh, okay. He wasn't -- he was dressed in  
14 different clothing.

15 Q. Does this look like the guy who maybe  
16 released you?

17 A. I don't know that he was a deputy, because  
18 he was dressed in blue clothing. He was very -- he  
19 was short and I thought his name was Chris,  
20 everybody called him Chris. Now, you could answer  
21 if everybody calls him Chris, that could be somebody  
22 who interacted with me.

23 Q. Do you recall interacting with Michael Curry  
24 at all at the jail on September 12th or 13th, 2013?

25 A. I'd have to look at the video.

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1 Q. How about Shantell Dillard?

2 A. Doesn't look familiar. I'd have to look at  
3 the video.

4 Q. Rhonda Doheny?

5 A. I'd have to look at the video.

6 Q. Deborah Fyten?

7 A. I'd have to look at the video.

8 Q. Obviously we have Deputy Gonder there, and  
9 we spoke about him, correct?

10 A. Yes.

11 Q. What about Daniel Hoover?

12 A. Daniel Hoover, he looks familiar to me. If  
13 he has blue eyes, he looked familiar to me.

14 Q. Do you recall interacting with him at the  
15 jail?

16 A. I recall -- I'll have to look at the video,  
17 but he looked familiar to me from the jail  
18 experience.

19 Q. And what exactly do you recall as you sit  
20 here today about your interactions with him?

21 A. I just remember there was -- when I was in  
22 the jail that he -- someone fitting his description,  
23 but I'd have to see the video, came to my --  
24 purportedly to my aid at the time. And he was  
25 very -- his demeanor was very nice. He was -- he

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1 was trying to be very nice to me. And then awhile  
2 later his demeanor completely changed. He went from  
3 one demeanor to the other the next time he came  
4 back. So I just remember going this -- this person  
5 seemed so nice and now all of a sudden he has like  
6 evil in his eyes. Now, that was a blue-eyed younger  
7 person. It might not have been Hoover, and I don't  
8 want to blame anybody. They were -- you know, the  
9 departments responsible, but I don't want to name  
10 anybody in particular.

11 Q. And this particular individual that you're  
12 talking about with evil in his eyes, what exactly  
13 did he do or say to you to make you think that he  
14 was evil?

15 A. Well, there was harassment all night long  
16 from all of the deputies, so one after another,  
17 particularly Gonder.

18 Q. We'll talk about that in a minute.

19 A. So that's -- that's one of the pieces.

20 Q. Melton, obviously Sergeant Melton, the next  
21 page, we've talked about him?

22 A. Yes.

23 Q. Did you interact at all with Gary Millbach  
24 at the jail?

25 A. I'd have to look at the video. He doesn't

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1 look familiar.

2 Q. Napper of course we've talked about. How  
3 about Deputy Lana Opp, did you interact with Deputy  
4 Opp?

5 A. She looks familiar.

6 Q. Any recollection of interacting with her at  
7 the jail?

8 A. Well, there was a deputy, a female deputy,  
9 that was taking my picture in the middle of the  
10 night. I don't know. It might have been her or --  
11 if these are all the female deputies. It was a  
12 female deputy that was taking my picture in the  
13 middle of the night.

14 Q. Okay. And I'll represent to you for  
15 clarification that it was Sergeant Fyten who  
16 assisted with photographing you.

17 A. Sergeant Fyten?

18 Q. Correct.

19 A. Where is that?

20 Q. Bottom left-hand corner.

21 A. Okay.

22 Q. And that it was Deputy Hoover who assisted  
23 with fingerprinting you.

24 A. Deputy Hoover, okay.

25 Q. Okay. What about Brandon Pitts, Deputy

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1 Pitts, any recollection of interaction with Deputy  
2 Pitts?

3 A. He looks familiar now, but it might be from  
4 other interactions.

5 Q. What about Deputy Welin, any recollection of  
6 interacting with him at the jail on September 12th  
7 or 13th?

8 A. No, I'd have to look at the video.

9 Q. What about Deputy Stacy Williams, any  
10 recollection of interacting with Deputy Williams?

11 A. She looks familiar, but I don't recall. I'd  
12 have to look at the video. Now, you just told me  
13 who I interacted with so why are you asking the  
14 question when you know who I interacted with?

15 Q. We'll go over some of more detailed notes  
16 here momentarily --

17 A. Okay.

18 Q. -- of your interactions. I just wanted to  
19 show you this to get your recollection as you sit  
20 here today.

21 A. So who on this did I interact with other  
22 than the ones you mentioned?

23 Q. Why don't you keep that handy and as we go  
24 through some of the other documents that reference  
25 the specific individuals you'll have a photographic

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1 point of reference as well.

2 A. Thank you.

3 Q. And I will note that this document is marked  
4 confidential in the lawsuit because -- under the  
5 protective order, because these are duty photos  
6 of --

7 MR. PADDEN: That's fine.

8 A. Right.

9 Q. -- active correctional staff.

10 (MacDonald Deposition Exhibit No. 8  
11 marked for identification.)

12 BY MR. TIMMERMAN:

13 Q. Ms. MacDonald, this is Exhibit 8 to your  
14 deposition produced in this action as DC 00042  
15 through DC 00044. Do you recognize this document?

16 A. No, I don't.

17 Q. Would you like to take a moment to  
18 familiarize yourself with it?

19 A. Okay. I don't --

20 Q. I'm going to ask you some questions about it  
21 and I'm wondering if you'd like to review it.

22 A. It's somebody else's document, and I don't  
23 recall it ever being produced by you.

24 Q. Did you remain in a wheelchair during your  
25 entire stay at the jail?



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1 A. No.

2 Q. Were you in a wheelchair during the periods  
3 of time at the jail when you were in the common  
4 areas outside of your cell?

5 A. I believe so, yes.

6 Q. So when you were in your cell you were not  
7 in the wheelchair, correct?

8 A. Right.

9 Q. Fair to say that anytime you were outside of  
10 your cell you were in a wheelchair?

11 A. Yes.

12 Q. On both days?

13 A. You mean in the middle of the night?

14 Q. My question is when you were -- on September  
15 12th and 13th of 2013 during the times that you were  
16 outside of your --

17 A. Right, they just regularly brought a  
18 wheelchair and I got in the wheelchair.

19 Q. Okay. So then during the times you were  
20 outside of your cell your testimony is that you were  
21 in a wheelchair, correct?

22 A. Yes.

23 Q. Is there any reason why --

24 A. As I was being wheeled, yes. Yes, I mean,  
25 in a wheelchair, I got into the wheelchair. I

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1 remember standing up when I went to court to talk to  
2 the judge. They let me stand up. Then they put me  
3 back in it.

4 Q. Were you given the option of not using the  
5 wheelchair at the jail?

6 A. No. They just brought a wheelchair anytime  
7 I -- they wanted to deal with me.

8 Q. Was the handcuff belt removed when you were  
9 ultimately brought to the jail?

10 A. When I went -- the handcuff belt -- which  
11 jail are you referring to? The jail --

12 Q. The Dakota County jail.

13 A. They're both adjacent. So the next door  
14 jail?

15 Q. The next door jail where you spent the  
16 night.

17 A. I believe so, because once I was in my cell  
18 I think they finally took my handcuffs off and the  
19 belt off, but then they kept putting them back on if  
20 they'd take me places.

21 Q. Okay. So inside your cell, no cuffs, no  
22 belt; outside of your cell, cuffs and belt. That's  
23 your recollection?

24 A. Well, cuffs and belt inside my cell at --  
25 you know, at the -- at one jail. They brought me to

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1 different cells. So the first cell, cuffs and belt  
2 inside the cell. The next one I think they took  
3 them off each time. They put me in different cells.

4 Q. Okay. If you could please look at Exhibit  
5 No. 8 on the first page, DC 00042. Fifth line down  
6 under the narrative section it reads, Corporal Byrd,  
7 number 1218, approached MacDonald and attempted to  
8 ask her questions, but she refused to answer.

9 Now Corporal Byrd is Farrel Byrd upper  
10 left-hand corner of page 1. Does that refresh your  
11 recollection at all of interacting with Corporate  
12 Farrel Byrd at the jail?

13 A. No, there were all kinds of deputies on me.

14 Q. Do you recall Corporal Byrd asking you any  
15 questions at the jail?

16 A. No.

17 Q. Do you recall refusing to answer questions  
18 that Corporal Byrd asked you at the jail?

19 A. No.

20 Q. So when this report says Corporal Byrd  
21 approached you and attempted to ask you question but  
22 you refused to answer, is this a lie?

23 A. There were all kinds of deputies around me.  
24 I -- they were all over me.

25 Q. Do you recall --

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1 A. I -- there was -- there was not just one  
2 deputy. There were all kinds of deputies around me  
3 at many different times.

4 Q. Do you recall being pat searched at the  
5 jail?

6 A. I don't recall.

7 Q. Do you recall Corporal Byrd telling you that  
8 you could make a phone call once you'd been booked?

9 A. They -- throughout the night they said --  
10 they -- you -- come get booked and we'll allow you  
11 to do this, come get booked and we'll allow you to  
12 do that. And I kept saying booked for what.

13 Q. Is it your understanding that you were  
14 actually booked at the jail?

15 A. No, I was not booked.

16 Q. Why weren't you booked?

17 A. Because the judge said that I didn't have to  
18 be booked.

19 Q. Is it accurate -- accurate to say that  
20 before the judge said that you didn't have to be  
21 booked that you refused to complete -- excuse me --

22 A. There was no --

23 Q. Wait. May I finish my question, please?  
24 I'll start over. I understand you went before Judge  
25 Wermager on September 13th and he said you didn't

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1 have to complete the booking process.

2 A. Right.

3 Q. Correct? Prior to that time on September  
4 12th and September 13th when you were at the jail  
5 where you spent the night, is it fair to say that  
6 you refused to be booked?

7 A. No. I didn't have to be booked because I  
8 didn't commit a crime. I didn't do anything.

9 Q. Did you --

10 A. They booked me. I don't book myself. The  
11 judge said I didn't have to be booked.

12 Q. Did they attempt to you book you, the  
13 deputies attempt to book you?

14 A. They kept -- they said like, here, you  
15 can -- you have no liberties until you're booked.  
16 You can't make a phone call, you can't do anything  
17 until you're booked. That was their statement. And  
18 they kept doing things to me and doing things to me  
19 and making things worse and worse and worse. And I  
20 knew I didn't do anything wrong, so I didn't have to  
21 be booked. And then the judge confirmed it. And  
22 they finally released me.

23 Q. My question --

24 A. How do you arrest somebody, you know --  
25 okay.

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1 Q. My question for you was, did jail staff  
2 attempt to book you?

3 A. Yes, I guess you could say that.

4 Q. Did you cooperate in the booking process?

5 A. They -- they don't -- they didn't book me,  
6 that's the point. I didn't -- I don't know what  
7 cooperate means.

8 Q. Did you answer their questions?

9 A. I answered some questions, yes, and I talked  
10 a lot, yes.

11 Q. What questions did you answer specifically  
12 that you recall?

13 A. It was all through the night, all through  
14 the night. I can't -- I can't recall anything  
15 specific.

16 Q. Explain to me where they took you to be  
17 booked at the jail.

18 A. You'll have to explain it to me, because  
19 I -- it was the middle of the night as far as I  
20 know, except my room was completely bright. I felt  
21 like it was in -- I was in a dream. And -- so you  
22 tell me. I remember the next day when they finally  
23 took the handcuffs off me after the judge released  
24 me, I remember seeing the place and I thought, this  
25 must be where they brought me.

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1 Q. I can explain to you. There is an intake  
2 and booking area at the jail. There's a desk called  
3 the booking intake desk. It's elevated off the  
4 floor. That's where inmates are booked at the jail.

5 Do you recall being taken to that spot to be  
6 booked?

7 A. It didn't feel like that spot at the time,  
8 but then now that I look at it they took me there,  
9 yeah. And I didn't know which cell I was in.  
10 Again, it didn't seem like it was real.

11 Q. Did you refuse to answer some of the  
12 questions that were asked of you during that booking  
13 process?

14 A. Refuse to answer? Probably. I was not  
15 talking sometimes. Sometimes I was crying and  
16 trying to talk to have them help me. It went on and  
17 on all -- all night long. So they can't say I  
18 didn't cooperate. They completely just stripped me  
19 of my liberties and I cooperated as much as I could  
20 and they were not helping me. They would not help  
21 me at all. Nobody would hear me. Nobody would help  
22 me. No matter what I said or did, that was what  
23 happened.

24 Q. You answered all of the booking questions  
25 then?

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1 A. So they were not cooperating. It was awful.

2 Q. You answered all the booking questions then?  
3 That's your testimony?

4 MR. PADDEN: Objection --

5 A. I don't recall --

6 MR. PADDEN: Can I make an objection,  
7 please? Objection; asked and answered. Go ahead  
8 and answer again.

9 A. I don't recall any -- they asked me all  
10 kinds of questions. They taunted me, like I told  
11 you. I -- I -- I pushed the medical button. I kept  
12 asking them questions. They weren't answering my  
13 questions. It was just a -- I couldn't believe what  
14 was happening at that point.

15 Q. Now Exhibit 8 here --

16 A. So for you to wrench out something just  
17 doesn't make sense.

18 MR. PADDEN: Don't comment on how he's  
19 asking the questions, Michelle, come on.

20 Q. Exhibit 8 here, see seventh line from the  
21 bottom, sentence on the right-hand side starting  
22 with nursing staff, the nursing staff attempted to  
23 ask MacDonald some medical questions to find out if  
24 she had any medical concerns or possible TB  
25 infections. Do you recall --



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1 A. I don't remember --

2 Q. Let me ask the question. Do you recall a  
3 jail nurse asking you medical questions, including  
4 about TB exposure?

5 A. I don't recall -- I kind of recall laying in  
6 a cell and then somebody coming in. And I was just  
7 exhausted. And I just -- I was -- might have said,  
8 why are you asking me these questions. That sounds  
9 familiar to me.

10 Q. You just don't know who it was who asked  
11 those questions?

12 A. I don't know who it was.

13 Q. Did you answer the medical questions?

14 A. I -- I believe I answered whatever they  
15 asked.

16 Q. Did you answer questions about your  
17 potential tuberculosis exposure?

18 A. I don't remember them asking me about  
19 tuberculosis. I was just in a -- at that point I  
20 was really in a daze. That was the first part.  
21 Because I finally when I was in the cell by myself,  
22 I was -- I was -- I said, I'm just going to rest  
23 here. I'm just going to -- I can't even believe  
24 this is happening. And I think that's when people  
25 came in or I was there thinking I was just going to

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1 be here and not be touched or talked to or taunted  
2 for a moment, and then somebody came in. And I  
3 thought --

4 Q. Somebody came in to ask you questions? And  
5 this --

6 A. I think so, yes.

7 Q. This report continues, MacDonald refused to  
8 answer any medical screening questions. MacDonald  
9 was later informed she would be escorted from R-415  
10 to I-327, negative pressure room, due to not  
11 answering the medical questions. It was explained  
12 to MacDonald by Corporal Byrd that she was required  
13 to be in the negative pressure room and isolated due  
14 to nonresponses to a medical questionnaire to  
15 prevent the possible spread of tuberculosis.

16 Do you recall Corporal Byrd explaining to  
17 you that he was moving you or you were being moved  
18 to the negative pressure room because you failed to  
19 answer medical questions about potential TB  
20 exposure?

21 A. No.

22 Q. You don't recall that?

23 A. No. I recall when they -- I was somewhere  
24 in one cell, and I recall one woman deputy leaving  
25 the mattress there and saying she wasn't supposed to

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1 do that. That's what I recall about being moved or  
2 something like that. That when I moved I wasn't  
3 supposed to have a mattress and she let me have it.  
4 And -- and I thanked her. That's what I recall. I  
5 remember --

6 MR. PADDEN: You answered the question.  
7 Go to the next -- we'll be here until hell freezes  
8 over. Come on.

9 Q. Okay. Let's go back to Exhibit 2 for a  
10 second. Got it? Exhibit 2, I can help you find it.  
11 That's this guy. Exhibit 3, excuse me, this is 3 --  
12 2, page 665. There we are.

13 Now this, again, Exhibit 2, this is campaign  
14 material that you drafted, you testified to that.  
15 On page 665 it says, many deputies had handled her  
16 to this point. When one of them came in to ask  
17 medical questions, she did not answer, thinking,  
18 quote, "I am not sick or in a hospital," end quote.

19 Having seen that in something that you  
20 drafted, does that refresh your recollection that  
21 you did not actually answer the medical questions  
22 the jail staff asked you?

23 A. I was thinking, I'm not sick or in a  
24 hospital, yes, that refreshes my recollection.

25 Q. So based on your thought that you weren't

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1 sick or in a hospital, fair to say that you refused  
2 to answer those medical questions, correct?

3 A. I might have told them, I'm not sick. I  
4 don't know what I -- what they asked me or answered.  
5 But when they came to ask medical questions I didn't  
6 answer thinking I'm not sick or in a hospital.

7 Q. Okay. Including tuberculosis?

8 A. I don't remember them asking me about  
9 tuberculosis.

10 Q. Would that have been one of the questions  
11 you wouldn't have answered because you weren't sick  
12 or in a hospital?

13 A. No.

14 Q. You didn't have a cellmate at any time when  
15 you were confined at the jail, right?

16 A. Except for the deputies coming in and out.

17 Q. I'm talking about another inmate.

18 A. No.

19 Q. And you were never confined in the general  
20 population of the jail, correct?

21 A. What do you mean? They kept me in solitary  
22 confinement. So do you mean -- no --

23 Q. You weren't --

24 A. -- I wasn't with anybody. They kept me in  
25 solitary confinement.

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1 Q. But you got meals at the jail, right, you  
2 received those meals?

3 A. Yes.

4 Q. What is your understanding of what a  
5 negative pressure room is? If you know.

6 A. I have no idea.

7 Q. What's your understanding of the jail's  
8 negative pressure room?

9 A. I have no knowledge.

10 Q. At the time did you understand that if you  
11 had answered medical questions you might not have  
12 moved to a negative pressure room?

13 A. No.

14 Q. Any reason to dispute that you were  
15 ultimately placed in the jail's negative pressure  
16 room?

17 A. I was placed in a different cell. I was in  
18 a number of different cells.

19 Q. Do you have any personal knowledge regarding  
20 the jail's policies and procedures for placement of  
21 inmates who may have potentially been exposed to  
22 tuberculosis?

23 A. No.

24 Q. Do you have any pol- -- personal knowledge,  
25 excuse me, of the jail's placement of inmates who

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1 refuse to answer questions regarding potential  
2 tuberculosis exposure?

3 A. No.

4 Q. Do you have any personal knowledge regarding  
5 the normal temperature of the negative pressure  
6 room?

7 A. They should have just let me go, bottom  
8 line.

9 Q. My question, though, is do you have any  
10 personal knowledge of the normal temperature of the  
11 jail's negative pressure room?

12 A. No.

13 Q. Do you have any personal knowledge regarding  
14 whether the jail's negative pressure room is warmer  
15 or colder than other jail cells?

16 A. No.

17 Q. Do you have any evidence that jail staff  
18 purposefully lowered the temperature in the negative  
19 pressure room when you were confined in that room?

20 A. Do I have any evidence --

21 Q. Correct.

22 A. -- of that? Being the room was freezing,  
23 freezing cold, somebody must have done something.  
24 It wasn't as cold when I first got in there. It  
25 froze -- it became more and more cold.

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1 Q. Okay.

2 A. So somebody must have done that.

3 Q. You've got your subjective observation.

4 Beyond that do you have any evidence that jail staff  
5 purposefully lowered the temperature of that  
6 negative pressure room?

7 A. No.

8 Q. Do you have any personal knowledge regarding  
9 how the jail's negative pressure room is normally  
10 lit?

11 A. No.

12 Q. Any personal knowledge about whether the  
13 negative pressure room lights are to remain on at  
14 all times for inmate observation purposes?

15 A. No.

16 Q. Any personal knowledge regarding whether the  
17 negative pressure room is lit differently than other  
18 cells at the jail?

19 A. No.

20 Q. Any evidence that you were treated any  
21 differently than other inmates who are placed in the  
22 negative pressure room with regard to the room's  
23 temperature or lighting?

24 MR. PADDEN: Object to the form; lacks  
25 foundation. Go ahead and answer if you can.

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1 A. No. Again, they should have let me go or  
2 never brought me there to begin with. That's the  
3 bottom line. They took my liberties away, period,  
4 way back when, way back before this. So whatever  
5 happened, the torture that I experienced, is just a  
6 little tiny piece of all this.

7 MR. PADDEN: Michelle, you already said  
8 that. Just try to answer the question, please.

9 Q. Who fingerprinted you at the jail?

10 A. I -- as I recall, Gonder came back -- okay.  
11 I was at the fingerprint. I think it was Gonder.

12 Q. I'll tell you what, let me help you out. I  
13 think this will be the last video we watch today.  
14 Bear with me while I find it. Do you know who this  
15 person is?

16 A. No.

17 Q. I apologize, this video player does not  
18 allow skipping. Okay.

19 A. I don't know when this was. It felt like  
20 the middle of the night to me.

21 Q. So here you are at the fingerprint machine.

22 A. Mm-hmm.

23 Q. It is 10:31 almost 10:32 p.m. Does that  
24 ring a bell?

25 A. I had been mistreated for quite a while by



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1 the time this happened.

2 Q. This is Deputy Gonder.

3 A. So it could have been the right time.

4 Q. Sergeant Fyten, Deputy Hoover. Okay. Here  
5 you're getting fingerprinted. Do you see that?

6 A. Yes. This is booking, correct?

7 Q. Part of the booking process.

8 A. Okay. So after they booked me, why didn't  
9 they let me go? Crazy.

10 Q. While we're watching this, it's going to  
11 take us a little while to get there, but do you have  
12 any personal knowledge regarding whether you  
13 actually ever completed the booking process?

14 A. No. I thought they do the booking process.  
15 That's my knowledge. I thought you don't do the  
16 booking process of yourself. They're the  
17 authorities.

18 Q. Were you given the option --

19 A. At this point --

20 Q. Were you given the option to stand to be  
21 fingerprinted?

22 A. No. At this point I saw Gonder.

23 Q. Gonder is right here.

24 A. It felt as if he was way in the back of a  
25 line, and I saw him. And I was telling the woman, I

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1 didn't harm anybody, why am I here. And then I saw  
2 Gonder, and I thought, he can help me because he  
3 knows I didn't do anything. At this point I saw  
4 somebody familiar, didn't know it was Gonder. And I  
5 said, he was there, he knows I didn't harm anybody.

6 And then Gonder said something like, well,  
7 you took a picture of me, but you -- but you didn't  
8 get -- you just got my bottom half. I said, well,  
9 you were smiling and waving, I was communicating.  
10 And then I said, where's my camera. And he said at  
11 some point, because it felt like he was just -- you  
12 know, because I'm in a daze still. I'm feeling like  
13 it's -- I'm recalling it as a dark room with lots of  
14 people. I didn't know there was just a bunch of  
15 deputies around me.

16 And he said that, that we're going to keep  
17 your camera, we're not going to give it back to you.  
18 We're going to -- it's going to go through all the  
19 appeals. And I told him, I have lots of pictures on  
20 there. And then he also said something like -- I  
21 said, you didn't interrogate -- you didn't read me  
22 my rights. And he said -- I think he had come back  
23 at this point, because he was gone, and he said, we  
24 don't have to read you your rights.

25 Q. You were never interrogated at the jail,

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1 correct?

2 A. Well, I would call what's happening to me  
3 interrogated. They're asking me -- that's  
4 interrogation, asking me medical questions, isn't  
5 that interrogation? I would see that -- I say, yes,  
6 I was interrogated throughout the whole thing --

7 Q. It's your position that before booking an  
8 inmate into a jail and asking medical question jail  
9 staff is required to read Miranda rights?

10 A. They were interrogating me the whole time.

11 Q. Now you're being wheeled around to have your  
12 photograph taken. Okay?

13 A. Okay. And they took a whole bunch of  
14 pictures.

15 Q. This is Sergeant Fyten taking your  
16 photograph, correct?

17 A. Right.

18 Q. Originally they tried to take your  
19 photograph while you were sitting down in the  
20 wheelchair, correct?

21 A. Right. And they were successful at it.  
22 They took a lot of pictures.

23 Q. How do you know they were successful? How  
24 do you know they got a successful --

25 A. Because they just kept taking pictures.

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1 Q. Do you have any personal knowledge whether  
2 any of the pictures taken of you while you were  
3 seated in the wheelchair were sufficient for  
4 purposes of the booking process.

5 A. I think they all were, yeah.

6 Q. What's your basis for that belief?

7 A. Because they were taking -- they kept taking  
8 them.

9 Q. Okay. And here were you asked at any point  
10 in time to stand up to be photographed?

11 A. No. They just came over and lifted me at  
12 some point.

13 Q. Why didn't you stand of your own volition  
14 during that point in time, because you're about to  
15 see --

16 A. Because I didn't.

17 Q. You're about to see --

18 A. Your -- your -- your people captured me. I  
19 was captured by them. I didn't know what to do.  
20 I'd answer a question, that was wrong. I'd not  
21 stand up, that was wrong. I'd sit down, that was  
22 wrong. They say they have a successful -- it went  
23 on and on and on. See, they're taking pictures.  
24 And I'm telling, don't take my picture looking like  
25 this, because you can see how good I looked when I

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1 started out in this process in court, and this was  
2 like the middle of the night to me. And they kept  
3 saying, well, you look beautiful. And there's four  
4 of them there. Even the woman said it.

5 Q. Okay. So you were telling them, don't take  
6 my picture because I look -- don't look good, and  
7 they were saying you look beautiful?

8 A. I was saying, please don't take my picture  
9 looking like this, please don't take my picture.

10 Q. And that's where the beautiful comment came  
11 up?

12 A. And they said, you look beautiful, you look  
13 beautiful.

14 Q. Okay. And there you were held up -- let's  
15 go back a couple.

16 A. I thought they were done, because they kept  
17 saying, you look beautiful, and taking pictures. So  
18 then they were taking me away and then they put me  
19 back to take some more pictures.

20 Q. Okay. And they wheeled you back in to take  
21 a picture standing up, right?

22 A. No, they lifted me up --

23 Q. Now, are you standing of your own --

24 A. -- grabbed me and lifted me up.

25 Q. Are you standing of your own free will

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1 there?

2 A. No, they grabbed me and lifted me up. I  
3 might have been standing, but they grabbed me, and I  
4 think I am standing at this point, because they  
5 grabbed me and lifted me up.

6 Q. Okay. Did you feel like you were being  
7 cooperative in the fingerprinting and photographing  
8 process?

9 A. I was doing everything they told me to do.  
10 All of my liberties were gone from beginning to end.  
11 Whatever I did, they didn't -- they didn't like it,  
12 they liked it, I -- you didn't know how to  
13 cooperate. I was very cooperative from beginning to  
14 end. I did everything I was told. I was quiet. I  
15 talked. From beginning to end I just did what I was  
16 told when all of my liberties were stripped from me  
17 down to nothing.

18 MR. TIMMERMAN: Mark this please, if we  
19 could, Exhibit 9.

20 (MacDonald Deposition Exhibit No. 9  
21 marked for identification.)

22 BY MR. TIMMERMAN:

23 Q. Do you recall, Ms. MacDonald, anyone telling  
24 you that you needed to complete the booking process  
25 before you could be released from the jail?

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1 A. They didn't say it that way. They said,  
2 we'll give you a phone call if you come get booked.  
3 We'll give you an att- -- call your husband if you  
4 come get booked. They actually brought me a note  
5 with an attorney, they said you can call this  
6 attorney if you come get booked. They never said  
7 just come get booked. You're going to get certain  
8 enticements. You can have a blanket if you come get  
9 booked. We won't take -- that was it.

10 And I was -- they should have just released  
11 me.

12 Q. Why didn't you just get booked then? I  
13 guess that's my question.

14 A. Because they book me, I don't book myself.

15 Q. But you have to cooperate in the process to  
16 be booked.

17 A. I did cooperate.

18 Q. My clients will testify that you refused to  
19 answer booking questions, and they can't book you if  
20 you won't answer booking questions. Do you  
21 understand that?

22 A. Well, you're testifying for your clients  
23 right now.

24 MR. PADDEN: Time out. Is that a  
25 question, Jeff?

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1 MR. TIMMERMAN: That's a question.

2 A. What kind of a question --

3 MR. PADDEN: What's the question?

4 BY MR. TIMMERMAN:

5 Q. The question is, you understand you can't be  
6 booked if you don't answer booking questions?

7 MR. PADDEN: Okay. You have to answer  
8 that, Michelle.

9 A. No, I don't. I answered their questions  
10 that they asked me under the circumstances as best I  
11 could.

12 Q. But we've seen from Exhibit 2 that you  
13 refused to answer the medical questions because you  
14 weren't in a hospital or sick. So you didn't answer  
15 at least some of those questions, right?

16 A. They asked me lots of questions that I  
17 answered and lots of questions where I was silent  
18 and didn't -- and confused and in a horrible state.  
19 They put me in a horrible, horrible, state --

20 Q. The questions --

21 A. -- from beginning to end.

22 Q. The questions where you were silent, why  
23 didn't you answer them?

24 A. I -- I -- because I didn't.

25 Q. Because you --



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1 A. Because I didn't.

2 Q. Because you chose not to, right?

3 A. No, because I didn't do anything wrong. I  
4 didn't harm anybody. There was nothing to be booked  
5 for.

6 Q. So if I'm understanding --

7 A. And I knew the judge was going to let me  
8 out, as soon as I got to a different judge, the  
9 judge would just let me out. And that's another  
10 thing I kept asking for, when am I going to go to a  
11 hearing, when am I going to go see a judge.

12 Q. All right. I'm just --

13 A. And then they promised me, oh, it's going to  
14 be in an hour, and I'd be waiting, when's that going  
15 to happen, oh, it's going to be in another hour, and  
16 then that's going to happen, promise, promise,  
17 promise. That's part of the frustration, that I  
18 knew all I had to do was go see a judge, all they  
19 had to do was bring me to go see a judge and they  
20 didn't. They kept me in this physical restraints.  
21 So just ask me another question.

22 Q. Sure. If I understand you correctly, I'm  
23 not trying to put words in your mouth, you refused  
24 to answer some of the questions asked of you by jail  
25 staff because you felt like you hadn't done anything

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1 wrong and didn't need to be booked, correct?

2 A. That is part of the answer. I did nothing  
3 wrong, not I felt like I did nothing wrong. I did  
4 nothing wrong. Nothing. And your people knew it.  
5 Your people knew it. Nothing --

6 Q. Let me --

7 A. -- wrong. Nothing. And your people knew  
8 it.

9 MR. PADDEN: Michelle, let him ask the  
10 next question.

11 Q. Let me rephrase my question. If I'm hearing  
12 you correctly, you refused to answer some of the  
13 questions that were asked of you in the booking  
14 process because it was your belief and your opinion  
15 that you had done nothing wrong and shouldn't have  
16 been incarcerated?

17 A. I -- I just answered the question, asked and  
18 answered.

19 Q. You can answer the question.

20 A. Your people --

21 Q. Would you please answer the question.

22 A. Your people did this. You can pick apart 30  
23 hours of what I endured all you want. Answer the  
24 question. Didn't answer a question. You just pick  
25 it apart. Stop wrenching out things as if that this

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1 was okay. What they did to me was not okay.

2 MR. TIMMERMAN: Could you read back my  
3 question, please.

4 Q. And I want a yes or no answer.

5 A. Your questions wasn't even a question.

6 MR. PADDEN: Okay. Just read back the  
7 question, Madam Court Reporter, and then we will --

8 A. I just answered your question.

9 MR. PADDEN: Michelle --

10 (Reporter read pending question.)

11 A. Right.

12 MR. PADDEN: That's -- you answered it.  
13 Good.

14 Q. Thank you. Let's look at Exhibit 9, please.  
15 Do you recognize these documents?

16 A. No, I don't.

17 Q. Exhibit 9 is Bates labeled DC 00032 through  
18 DC 00036.

19 A. Was this a document that was produced like  
20 you say the other ones were that I might not have  
21 seen?

22 Q. This was produced to your lawyer,  
23 Mr. Padden. Were you aware that jail staff were  
24 periodically conducting well-being checks on you at  
25 the jail?

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1 A. No.

2 Q. Do you know what well-being --

3 A. At some point in the evening I understood  
4 that.

5 Q. Do you know what well-being checks are?

6 A. No.

7 Q. Do you have any personal knowledge regarding  
8 the jail's policies and procedures for inmate  
9 well-being checks?

10 A. No.

11 Q. Do you have any personal knowledge regarding  
12 the Minnesota Department of Corrections' rules  
13 regarding well-being checks and the frequency with  
14 which they must be performed?

15 A. No. But I wouldn't call them well-being  
16 checks --

17 Q. Observations?

18 A. -- at all. That's a bad term, because they  
19 should have just let me out. That was -- that's  
20 bull. That's bull. Just let me out and let me have  
21 my well being out in my freedoms.

22 Q. So this Exhibit 9, the first entry  
23 indicates, placed in negative pressure room, will  
24 not answer any questions. Do you see that?

25 A. Yes.

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1 Q. And that's an entry by Corporal Farrel Byrd.  
2 Do you see that?

3 A. Yes.

4 Q. And then it shows that -- the various jail  
5 staff who observed you and the times at which you  
6 were observed. Do you see that?

7 A. Mm-hmm.

8 Q. Okay. And it looks like you refused your  
9 dinner time meal bag on September 12. Does that  
10 sound right?

11 A. I don't recall. I recall eating and getting  
12 bags and then I -- at some point they -- you put the  
13 bag back and I ended up keeping them because I  
14 determined I could put them around my feet with the  
15 napkins and then put my feet into the rubber  
16 slippers that they gave me. So I started to take  
17 the bags. I don't -- was that the first meal? I  
18 don't recall.

19 Q. Okay. Do you have any personal knowledge --

20 A. Oh, I mean it says -- what are you looking  
21 at? Which one?

22 Q. 23:02.

23 A. It says refused meal bag and he left it  
24 there.

25 MR. PADDEN: Which one --

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1 Q. I'm looking at 17:29.

2 A. Yeah, I remember I got a meal.

3 Q. Okay. And it was left there for you?

4 A. Yes.

5 Q. Okay. Do you have any personal knowledge  
6 regarding what the actual temperature of the  
7 negative pressure room was while you were in it?

8 A. It -- it was freezing.

9 Q. I'm talking about what a thermometer said  
10 the temperature was.

11 A. It was just freezing, freezing cold like  
12 being in a freezer or cold, cold, refrigerator like  
13 that -- worse than at a liquor store where they --  
14 where you go in and get alcohol. It was that kind  
15 of cold with no clothes on.

16 Q. The negative pressure you were placed in,  
17 did that have a window on the door?

18 A. Yes.

19 Q. And did the deputies look through there to  
20 observe you periodically?

21 A. Yes.

22 Q. Did it also have a flap that closed on the  
23 window, do you recall?

24 A. I don't recall.

25 Q. Did you ever at one point in time see that

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1 flap closed so no one could see in?

2 A. I don't recall. What do you mean by flap?  
3 A curtain?

4 Q. A curtain or partition.

5 A. I remember a curtain, and sometimes that  
6 would be closed and sometimes it would open.

7 Q. So sometimes the curtain was placed over the  
8 window and sometimes it was not?

9 A. Yes.

10 Q. Thank you. Do you have any personal  
11 knowledge about the jail's policies and procedures  
12 dictating what happens when an inmate misuses jail  
13 issued items?

14 A. No.

15 Q. Do you have any personal knowledge of the  
16 jail's policies and procedures dictating what  
17 happens when an inmate uses jail issued items for  
18 purposes other than their intended purpose?

19 A. No. Now, Gonder was on -- okay. These are  
20 your questions.

21 Q. DC 00033, could you turn to that page,  
22 please?

23 A. DC --

24 Q. 00033. Same Exhibit. I'm sorry. Just flip  
25 forward. Top entry on this page, September 12 at

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1 21:01, toilet paper removed from around her head.  
2 She told me she is not talking to me. What happened  
3 with your toilet paper?

4 A. Who was that?

5 Q. Gonder.

6 A. Oh, of course.

7 Q. What happened with the toilet paper?

8 A. Back to your other question. So this is how  
9 they treat people in jail. They have policies and  
10 procedures --

11 Q. My question --

12 A. -- exactly the way they treated me.

13 Q. Would you answer my question, please?

14 A. And those got to change.

15 Q. Your narrative answers are going to keep us  
16 here --

17 A. Especially when they jail somebody --

18 MR. PADDEN: Michelle, you've got to --  
19 please try to answer his questions.

20 A. -- for no reason.

21 Q. I understand your position. I've explained  
22 that to you. My question for you is, what happened  
23 with your toilet paper? Why was it removed?

24 A. They came in and they ripped it off my feet  
25 and they ripped it off my head, or I ripped it off,



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1 I don't remember. They made me rip it off.

2 Q. Had you --

3 A. And they ripped it off my body because I was  
4 freezing cold --

5 Q. For --

6 A. -- that I learned, and I was also using it  
7 as a pillow, because I was -- one point it was  
8 complete cement, complete cement, no mattress,  
9 nothing between me and thin pants and a thin shirt  
10 between me and the cement. So that's what I used  
11 the toilet paper for to -- I started to realize  
12 there are some things in here that I can use to stop  
13 this tortuous treatment of me. And I also used it  
14 to wrap around my head so I could not -- I didn't  
15 have to see, because you guys kept the lights on  
16 bright and you froze the room. The room was  
17 completely freezing, and you didn't give me a  
18 blanket and you took away my mattress.

19 Q. For lack of a better term, did you mummify  
20 yourself with the toilet paper?

21 A. Oh, mummify myself.

22 Q. I'm just trying to --

23 A. Yeah, it was humiliating.

24 Q. I'm trying --

25 A. It was humiliating.

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1 Q. I'm trying to think of a -- I'm trying to  
2 think of a --

3 MR. PADDEN: I think what he's --

4 A. It was humiliating.

5 MR. PADDEN: Time out. I think what  
6 he's suggesting -- Jeff, I'm helping, she's --

7 MR. TIMMERMAN: Sure.

8 MR. PADDEN: I think what he's -- I  
9 think what he's asking is were you using the toilet  
10 paper in such a way that it might appear like a  
11 mummy, but I think you said you were doing it  
12 because you were cold?

13 THE WITNESS: Yeah, they said -- that's  
14 what they said. They said, you're mummifying  
15 yourself.

16 MR. PADDEN: That's what the sheriff  
17 deputy said?

18 THE WITNESS: Like that. I kept  
19 pushing the medical button.

20 MR. TIMMERMAN: Want to take a break?

21 MR. PADDEN: Yeah, I think this would  
22 be a good time for a lunch break.

23 THE WITNESS: I wanted to get out of  
24 there.

25 MR. PADDEN: Off the record, Jeff.

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1 THE VIDEOGRAPHER: We're going off the  
2 record at 11:57 a.m.

3 (Break from 11:57 a.m. to 12:35 p.m.)

4 THE VIDEOGRAPHER: We're back on the  
5 record. Time is 12:35 p.m.

6 BY MR. TIMMERMAN:

7 Q. Ms. MacDonald, when we left off before lunch  
8 we were talking about toilet paper being removed  
9 from your cell. And you testified a little bit how  
10 you wrapped yourself with it, correct?

11 A. Mm-hmm.

12 Q. And it was removed from your cell. Was it  
13 explained to you that it was removed from your cell  
14 because you had wrapped yourself?

15 A. No, they didn't explain anything, they just  
16 came and ripped it off me.

17 Q. At any point in time did you get new or  
18 replacement toilet paper?

19 A. They took the entire roll the second time  
20 they came in to rip the toilet paper off me.

21 Q. So they came in twice?

22 A. They took the whole roll.

23 Q. The first time you had --

24 A. I don't remember when they brought toilet  
25 paper after that. They just took the whole roll the

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1 second time.

2 Q. So the first time they came in did they tell  
3 you not to did that, not to wrap yourself with the  
4 toilet paper?

5 A. I don't remember them telling me not to, you  
6 know, point blank. I was just freezing cold and the  
7 lights were on, and I was using it to survive in  
8 that -- try to survive in the environment that they  
9 had put me in.

10 Q. So you don't know whether or not toilet  
11 paper was ever brought back to the cell?

12 A. I don't know if they -- when they took it if  
13 they ever brought it back. They took the entire  
14 roll at one point.

15 Q. Okay.

16 A. I'm just trying to remember if somebody  
17 later on may have brought the whole roll back. I  
18 don't think so, though. I don't think so.

19 Q. You've indicated in your complaint that at  
20 one point in time you soiled yourself, is that  
21 correct?

22 A. Yes.

23 Q. Was that during the night?

24 A. It was during the whole ordeal. I'm not  
25 sure when exactly.

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1 Q. Was this toilet paper in your cell at that  
2 point in time?

3 A. I don't think so.

4 Q. Do you know for sure?

5 A. I wouldn't have -- I don't think so.

6 Q. At any point in time did you ask jail staff  
7 for new toilet paper?

8 A. Yes, probably. I kept pushing the medical  
9 button to get things. I was asking to let them let  
10 me go. And the toilet paper was a minimal thing  
11 because the room was freezing. And ultimately I had  
12 nothing in that room except cement and -- and that's  
13 all. Cement, and then they had rubber shoes, and  
14 that was all I think they had --

15 Q. Who ultimately --

16 A. -- for me. And they took my toilet paper as  
17 well.

18 Q. Who ultimately removed the toilet paper?

19 A. I know Gonder was in and out of my cell.

20 Q. Do you know for certainty who --

21 A. He came walking in and grabbed them. I'm  
22 thinking it was Gonder. I'll have to look at the  
23 video that you promised to allow me to get again.

24 Q. You ultimately -- you indicted in your  
25 responses to my clients' request for admissions that

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1 you had a mattress in your room but maybe you tried  
2 to wrap yourself with it or crawl under it, is that  
3 accurate?

4 A. Yes. And it was Gonder when they were  
5 bringing me back from taking those pictures that he  
6 said he had an idea and he went ahead of the  
7 wheelchair, somebody did or maybe he told them the  
8 idea, and I -- he pulled the mattress out of my --  
9 somebody did. I'll have to look at the video, but  
10 he purposely went in there and took my mattress. I  
11 don't know whether that was before the toilet  
12 paper -- I think it was before the toilet paper.  
13 Because I was on cement. It was just cement for a  
14 long, long -- for hours and hours. So the mattress  
15 was purposely taken as a -- he went in there and  
16 said, I have another idea.

17 Q. Do you know if jail staff observed you  
18 crawling under your mattress at any point in time?

19 A. I would think they -- that's the sad part,  
20 I'm thinking they could see what was happening to me  
21 and nobody really was caring. They probably saw all  
22 of my struggles that entire ordeal.

23 Q. Did you cover yourself with the mattress  
24 such that the mattress was entirely on top of you?  
25 Or logistically how did that work?

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1           A. I don't remember. When I had a mattress I  
2 was on it, I was off it, I was trying to get  
3 comfortable all night long with the tools that I  
4 had. And eventually they took all the tools that I  
5 had to get a minimal to try to be comfortable.

6           Q. Did you have a pillow at any point in time?

7           A. I didn't think so. I don't know. I may  
8 have. They took it. I just remember one nice,  
9 nice, female deputy that -- I was laying on the  
10 mattress and she said something like, I'm supposed  
11 to take that, but I'll leave it for you, so --

12                   MR. PADDEN: Do you have a Kleenex in  
13 here?

14           A. I don't think I was supposed to have a  
15 mattress at all, but she let me have it. And then  
16 the -- Gonder, after that humiliating picture said  
17 he had an idea, and then I saw him go into my cell  
18 and take it. That was his idea. And then I was  
19 just in -- on cement. And I had -- I don't know if  
20 that was before the toilet paper, it probably was  
21 before the toilet paper, because at that point the  
22 cement was freezing cold. The cement was just  
23 freezing cold. It was like sleeping on ice, a piece  
24 of ice. And the floor was the same as the bed. And  
25 I was trying to go from place to place.

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1           Then I thought of the toilet paper. Then I  
2           thought of the toilet paper. And I had this shirt  
3           on and it was thin, and I put it -- it had some  
4           holes in it, and I kept thinking of ideas to get --  
5           get it comfortable, and nothing was working. And  
6           finally when I thought of the toilet paper, wrapping  
7           it around my head so the light was out -- excuse  
8           me -- and then around my feet and parts of my body.  
9           Then I thought, okay, I can -- can get  
10          semi-comfortable. And then -- then -- then Gonder  
11          or somebody else came in and took it away from me.  
12          Made me take it all off. And then -- and then I --  
13          and then I didn't have it anymore. I didn't -- and  
14          I kept trying to find different ways, I'm sorry, to  
15          be -- to be comfortable. And -- and -- and --

16                   MR. PADDEN: If you -- are you okay,  
17          Michelle? Should we take a break?

18                   THE WITNESS: No, no, no, no.

19                  Q. Okay. With respect to the pillow you don't  
20          know one way or another whether you ever had one?

21                  A. I don't remember about the pillow.

22                  Q. Okay.

23                  A. I might have had one at some point. I just  
24          remember I had the mattress when I wasn't supposed  
25          to.



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1 Q. What about --

2 A. The nice woman deputy --

3 MR. PADDEN: Michelle, look, you can't  
4 testify like this. Should we take a break? Are you  
5 okay? Try to -- try to -- I don't want to --

6 A. I already said the woman deputy.

7 MR. PADDEN: Settle down.

8 Q. I understand --

9 A. The woman deputy said she wasn't supposed  
10 to, but she was going to let me keep it.

11 Q. Did you ever have a blanket in the cell at  
12 all?

13 A. No, never. I don't think I ever had a  
14 blanket.

15 Q. And were you able to use the toilet in the  
16 cell?

17 A. Mm-hmm.

18 Q. You've indicated in your responses to  
19 request for admissions that no deputies or jail  
20 staff were in your cell when you used the toilet,  
21 correct?

22 A. When I was sitting on the toilet?

23 Q. Correct. No deputy was inside your cell.

24 A. Not that I recall, no. Is that on the  
25 video? Did they actually come in?

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1 Q. No.

2 MR. PADDEN: Michelle, Michelle, come  
3 on. He's just asking a question. Okay? We've got  
4 to take a break.

5 THE VIDEOGRAPHER: We're going off the  
6 record at 12:44 p.m.

7 (Break from 12:44 p.m. to 12:46 p.m.)

8 THE VIDEOGRAPHER: We're back on the  
9 record at 12 --

10 MR. PADDEN: Time out.

11 THE VIDEOGRAPHER: We are back on at  
12 12:46 p.m.

13 BY MR. TIMMERMAN:

14 Q. Just to make clear, there's no indication  
15 that any jail staff was inside your cell when you  
16 used the toilet. But you've alleged in this lawsuit  
17 that jail staff watched you use the toilet.

18 A. Yes.

19 Q. What is the basis of that claim?

20 A. They left the curtain open.

21 Q. Did you ever actually observe any jail staff  
22 watching you while you were using the toilet?

23 A. I don't know.

24 Q. Do you recall one way or another?

25 A. I don't know. I'd have look at the video.

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1 Q. Well, there's no video of the cell. Cells  
2 are not videoed, inside of cells are not videoed.  
3 So it's important -- this point is important. Do  
4 you recall a deputy ever watching you use the  
5 in-cell rest room from the window?

6 A. I don't recall.

7 (MacDonald Deposition Exhibit No. 10  
8 marked for identification.)

9 BY MR. TIMMERMAN:

10 Q. Ms. MacDonald, this is Exhibit 10 to your  
11 deposition. It is a series of photographs of the  
12 negative pressure room where you were kept in the  
13 jail. The first one is labeled DC 00070, and we  
14 talked earlier about the little screen or curtain  
15 that covered the cell window at times. Is that the  
16 curtain that you recall?

17 A. I thought it was smaller, but it must be  
18 right.

19 MR. PADDEN: What number is this,  
20 Counsel?

21 MR. TIMMERMAN: 70, Exhibit No. 10.

22 MR. PADDEN: Okay. Thank you. There  
23 was a 23 on here, so.

24 MR. TIMMERMAN: Oh, yeah, let me take  
25 that. That's just my internal number.

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1 A. Is the curtain on the outside or -- on the  
2 outside, I see it now.

3 BY MR. TIMMERMAN:

4 Q. Then you see it with the curtain pulled off  
5 in the next picture, in 71? 72 is a picture of the  
6 cell toilet through the window of the cell.

7 A. Yes.

8 Q. And 73 is a picture of the cell toilet from  
9 inside the cell.

10 A. Mm-hmm.

11 Q. Look at 72 for me.

12 A. Is this the actual cell I was in?

13 Q. Yes. If you look at 72 for me, please.

14 A. Mm-hmm.

15 Q. You would agree with me that there's a  
16 partition there, correct, in front of the toilet?

17 A. Mm-hmm.

18 Q. So even if someone had been watching you use  
19 the rest room from the cell window, they would not  
20 have been able to see your vagina or your buttocks,  
21 would they?

22 A. I was -- if I was pulling my pants down  
23 standing in front of them they would have been able  
24 to see that.

25 Q. Do you know if that ever occurred?

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1 A. I didn't notice. The window is huge. It  
2 could have occurred, yes --

3 Q. Do you know if it did or didn't?

4 A. -- left it open.

5 MR. PADDEN: I think what he's asking,  
6 Michelle, is --

7 A. I don't know.

8 MR. PADDEN: -- did you ever see  
9 anybody looking out the window, so we can move --

10 A. I don't know.

11 MR. PADDEN: Okay.

12 A. I very clearly recall having that concern.

13 Q. Do your amended interrogatory answers,  
14 specifically your answer to number 6, identify all  
15 of the ways in which you claim that your Fourteenth  
16 Amendment rights were violated at the jail on  
17 September 12th and 13th of 2013?

18 A. My rights were violated immediately when  
19 they took me in from beginning to end, so I tried to  
20 list all of the things they did from beginning to  
21 end, some of the main things that they did. But the  
22 violation was ongoing from beginning to end. That's  
23 how it works when you violate somebody's civil  
24 rights.

25 Q. I'm just asking you whether or not you

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1 listed all the facts pertaining to your conditions  
2 of your confinement at the jail that you claim  
3 violated your rights.

4 A. And like I explained, it's hard to put 30  
5 hours of facts, but I did my best here, yes.

6 Q. Is there anything that's not in this answer,  
7 amended answer to interrogatory number 6, that you  
8 claim somehow violated your rights at the jail?

9 A. The whole thing violated my rights.

10 Q. What sexual humiliation were you subjected  
11 to at the jail?

12 A. Just the -- I -- the whole thing for the  
13 most part. The jail area or just the whole thing  
14 was a picking on me, because they never would have  
15 done this to a man attorney.

16 Q. What's the basis --

17 A. Some of the main things were that they could  
18 look into my cell, so as I'm getting comfortable I'm  
19 basically taking off my clothes. Because I had a  
20 shirt on, I'd have to pull my pants down to try to  
21 cover my feet. I took my bra -- half bra off and  
22 wrapped it around my feet so my nipples could show,  
23 because I was freezing, through the room. It was a  
24 viewing of sorts being behind a glass of all the  
25 ways that I was trying to keep comfortable, get

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1 comfortable. And it was -- anytime they walked in  
2 there I was in a humiliating disfigured form.

3 Q. Any other ways in which you claim you were  
4 sexually humiliated at the jail?

5 A. The whole thing.

6 Q. What do you mean by that?

7 A. The whole from beginning to end, coming into  
8 my room.

9 Q. Entering your cell and viewing you through  
10 your cell?

11 A. Entering my cell, taking my toilet paper,  
12 watching me in that humiliating fashion.

13 Q. Anything else that you can recall?

14 A. Not that I haven't already told you.

15 Q. You also claim that you were subjected to  
16 sleep deprivation at the jail. How many hours did  
17 you sleep?

18 A. None.

19 Q. You didn't sleep at all?

20 A. Not one wink.

21 Q. Who subjected you to sleep deprivation?

22 A. The defendants.

23 Q. How?

24 A. By taking me out of my life, capturing me,  
25 and putting me in a freezing cold room with lights

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1 on all night, all night long, not allowing me --  
2 not -- no blanket, no nothing. Isn't that obviously  
3 what they did?

4 Q. Did anyone interrupt you during the night?

5 A. Yes.

6 Q. Who?

7 A. All the time, constantly.

8 Q. How?

9 A. Coming to my cell and looking in,  
10 answering -- sometimes answering my medical button,  
11 sometimes not answering my medical button, sometimes  
12 saying that they're going to come back with  
13 something and then not doing it. Constant  
14 interruptions throughout the night by particularly  
15 Gonder, because he stayed overtime to just --

16 Q. How do you know he stayed overtime?

17 A. Because he was there in the morning. So how  
18 was -- why was he there at 3 in the morning or 4 in  
19 the morning. I would think that he stayed -- he  
20 certainly came to just do more damage to me.

21 Q. Do you know what Deputy Gonder's work shift  
22 was that day?

23 A. No. I would imagine his work shift isn't  
24 from 8:30 in the morning all the way until midnight,  
25 1 or 2 or 3 a.m. or 4 a.m., however long he stayed.



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1 Q. Do you know one way or another for certain?

2 A. No, you know that. Why don't you tell me?

3 Q. And you claim that no male attorney would be  
4 treated that way. Do you have any personal  
5 knowledge regarding how male attorneys have been  
6 treated at the jail?

7 A. If -- if -- no.

8 Q. Okay. Thanks.

9 A. It was an all-men's jail. That's another  
10 humiliation. This was not even a jail women stayed  
11 at. Thank you very much.

12 Q. It's your understanding that women are  
13 boarded out to the Ramsey County workhouse, right?

14 A. Right.

15 Q. But that doesn't happen immediately. Are  
16 you aware of that?

17 A. Yeah, I would think it would happen within  
18 30 hours. I was the only one in that jail all night  
19 long.

20 Q. How do you know that?

21 A. Because I asked somebody. I said that I  
22 didn't harm anybody. I said how many -- I said how  
23 many -- and they -- somebody said there are, I  
24 forget the number they used, 199 men in this jail  
25 and none of them have harmed anybody, what are you

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1 talking about, what are you saying you didn't harm  
2 anybody, none of them -- none of these people have  
3 harmed anybody.

4 Q. Specifically how do you know there were no  
5 other female inmates?

6 A. Because he said, there are other men in the  
7 jail.

8 Q. Did he say there are no other women in the  
9 jail?

10 A. No, they said there's a hundred -- it was a  
11 she I think gave the number, and said there are 198  
12 men in this jail that haven't harmed anybody so what  
13 are you talking about, there are -- why are you  
14 talking about you didn't harm anybody, there are a  
15 hundred and something men. And so then the joke was  
16 I slept with a 199 men, something like that.

17 Q. Who made that joke?

18 A. It wasn't made that night.

19 Q. Who made it?

20 A. I don't remember who made it.

21 Q. Was it your husband?

22 A. No.

23 Q. And you -- again, you don't know --

24 A. He wouldn't make a joke like that.

25 MR. PADDEN: What was that?

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1 A. He wouldn't make a joke like that.

2 MR. PADDEN: I just didn't hear what  
3 you said. I'm sorry.

4 Q. Again, you don't know who made the decision  
5 to put you in the negative pressure room, correct?

6 A. No. I didn't know of any such thing. I had  
7 never been in jail.

8 Q. Okay.

9 MR. TIMMERMAN: I don't have an extra  
10 copy of this, Mike. I'm sorry. You're welcome to  
11 review it.

12 MR. PADDEN: What is it?

13 MR. TIMMERMAN: Something she produced.

14 MR. PADDEN: Okay.

15 MR. TIMMERMAN: First letter. This  
16 will be Exhibit 11.

17 (MacDonald Deposition Exhibit No. 11  
18 marked for identification.)

19 BY MR. TIMMERMAN:

20 Q. Is this a document you produced in this  
21 lawsuit? Does it look familiar to you?

22 A. Mm-hmm, yeah.

23 Q. Something you drafted?

24 A. I believe so, yes.

25 MR. TIMMERMAN: May I see it for one

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1 second, please?

2 MR. PADDEN: Sure.

3 MR. TIMMERMAN: For a moment?

4 MR. PADDEN: Sure. Go ahead.

5 BY MR. TIMMERMAN:

6 Q. Who did you send this to?

7 A. I don't recall.

8 Q. And it looks like --

9 A. I look like I might have sent it to a lot of  
10 people. That was Sandra Rucki's --

11 Q. E-mail?

12 A. -- e-mail at the time.

13 Q. Thank you.

14 A. But --

15 Q. Okay.

16 A. I'm not sure if it was just her. It might  
17 have been just her. I was writing her -- I was  
18 working on her civil rights case.

19 Q. Read this sentence right there, please, it  
20 starts with, I was.

21 A. Yeah. Yeah.

22 Q. Could you read that out loud?

23 MR. PADDEN: Do you want her to read it  
24 out loud or to herself?

25 MR. TIMMERMAN: Out loud.

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1 A. Oh, I was one of 300 inmates that night.  
2 Since it is an all men's jail my husband Tom jokes  
3 that I slept with -- so you caught me, I guess he  
4 did make that joke. It was so long ago. So he made  
5 the joke, yeah.

6 Q. Okay.

7 A. Yeah.

8 Q. How were you subjected --

9 A. That's probably not --

10 MR. PADDEN: Wait for the next  
11 question, please.

12 A. Okay.

13 Q. What sensory bombardment were you subjected  
14 to at the jail?

15 A. All kinds, just the walking, the keys,  
16 people coming in and out, there were comments made  
17 responding to me on the medical button. There were  
18 just the keys. So as I was seeing it I'm wondering  
19 when are they going to come in my room next. Doors  
20 opening and closing.

21 Q. Anything else?

22 A. Alarms going off.

23 Q. Okay.

24 A. Sirens.

25 Q. Anything else?

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1 A. I can't think of anything else.

2 Q. Okay. And the medical button, you pushed  
3 that somewhat, correct?

4 A. Right.

5 Q. How many times --

6 A. That didn't make a noise, but the voices on  
7 the other end, they wouldn't identify themselves  
8 and --

9 Q. How many times did you push it?

10 A. I thought lots and lots of times. You  
11 should have a record of that. I asked for the audio  
12 of it lots of times.

13 Q. There's no audio recording of medical alert.  
14 The siren at the jail, when did that go off?

15 A. It went off a couple of times as far as I  
16 remember.

17 Q. Any idea why?

18 A. Because somebody was committing suicide.

19 Q. According to whom?

20 A. I -- according to one of the deputies told  
21 me that's what it meant.

22 Q. The suicide siren?

23 A. Mm-hmm.

24 Q. Are you aware of anybody actually attempting  
25 to commit suicide that night?

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1 A. I was praying for whoever it was because  
2 they told me that somebody was committing suicide.  
3 So I don't know if somebody committed suicide.

4 Q. Okay. And the alarms that went off, what  
5 were those for? Do you know?

6 A. I don't know.

7 Q. You've alluded to in your complaint to the  
8 fact that someone at some point had told you that  
9 they had seen a dead body at the jail?

10 A. Yes.

11 Q. Could you explain the context of that,  
12 please?

13 A. One of the female deputies told me. I  
14 forget whether she was in my room or not, but she  
15 told me that she had walked into a cell and there  
16 was a dead person there.

17 Q. What was the context of that conversation?  
18 Did you ask her about that?

19 A. I don't remember the exact context.

20 Q. Did she say this to you in a menacing manner  
21 or was it more of an inquisitive conversation you  
22 were having with her?

23 A. I don't recall. I just remember saying that  
24 I've seen a dead body in here. I don't know if it  
25 was that night or whenever that she had walked into

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1 somebody's cell and they were dead. So I don't know  
2 if it was in the context of the alarms going off.

3 Q. And when --

4 A. Them wanting to -- to -- thinking I was  
5 going to commit suicide at one point, it might have  
6 been in that context. Because at one point they  
7 thought I was going to commit suicide.

8 Q. Why would they think that?

9 A. Well, they came in and they wanted -- I just  
10 remember laying on the -- the cement or the  
11 mattress. And they wanted to -- they asked me if my  
12 nylons that I had on were up to my waist or were  
13 knee highs. And I was in such a fog that I didn't  
14 even comprehend that I even had nylons on. I was  
15 just -- so -- so -- so then they left, and then next  
16 thing you know they came in and took my nylons off  
17 me, which was -- they were part of what might have  
18 been keeping me warmer, so I was -- I lost  
19 another -- another tool that I was trying to use to  
20 be comfortable when they took my nylons.

21 Q. Did a female deputy take those off?

22 A. I don't remember who it was.

23 Q. Do you recall at one point in time asking if  
24 you would be treated differently if you were  
25 suicidal?



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1 A. Yes.

2 Q. And why did you ask that?

3 A. Because I was suffering and I thought that  
4 if -- I thought that they treated people who were  
5 suicidal better.

6 Q. And you were told that people who were  
7 suicidal are stripped down and put into a padded  
8 cell, correct?

9 A. Yes, yes. They said, are you feeling  
10 suicidal. And I said, what if I was. And I was --  
11 in my thinking I was thinking that if somebody in a  
12 jail is suicidal that they would comfort them or try  
13 to help them, make them -- you know, just care for  
14 them. But they said that they would strip me down  
15 naked and put me in a padded -- in a straitjacket  
16 and then throw me in a padded cell.

17 Q. So you couldn't kill yourself that way,  
18 correct? Do you think that's a --

19 A. Right.

20 Q. -- a reasonable precaution to take so  
21 someone can't actually follow through?

22 A. No, I think that's a horrible precaution to  
23 take.

24 Q. Do you have any --

25 A. I think that maybe a -- a -- a -- being

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1 loving and caring to that person in their  
2 circumstance would be a better approach than  
3 stripping them and humiliating them even more and  
4 putting them in a straitjacket and throwing them in  
5 a padded cell.

6 Q. Do you have any personal knowledge regarding  
7 Minnesota Department of Correction rules regarding  
8 inmates who are suicidal?

9 A. No.

10 Q. What psychological techniques were you  
11 subjected to at the jail?

12 A. Throughout the whole ordeal.

13 Q. What techniques?

14 A. It was -- throughout the whole ordeal there  
15 was coercion and horror.

16 Q. I am asking specifically, though, about  
17 psychological techniques, which I think --

18 A. I -- I -- techniques to -- I mean,  
19 techniques to make me talk. I even pushed the  
20 button, I'm like, I want to confess, what am I  
21 doing. This is the whole thing was I didn't -- I  
22 didn't know what they wanted me to do. I did  
23 nothing wrong to get in there. So just the whole  
24 thing was just a -- a -- a psychological breakdown.  
25 This is what they wanted me to do, taking my stuff,

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1 stripping me of everything.

2 Q. Any other psychological techniques that  
3 you're claiming?

4 A. The whole thing was a psychological  
5 technique.

6 Q. You've also in your amended answer to  
7 interrogatory 6 that you were also subject to,  
8 quote, "other forms of unconstitutional conduct at  
9 the jail."

10 A. Mm-hmm.

11 Q. What other forms of unconstitutional conduct  
12 are you referring to?

13 A. And I'm letting you know again that from --  
14 you know, when you take somebody out of their life  
15 like that you can't just do it and say, well, I  
16 treated you well or I treated you horribly. That's  
17 the constitutional violation right there, when they  
18 grabbed me and took me away from that courtroom.

19 Q. Anything else, any other forms --

20 A. The whole ordeal.

21 Q. The whole ordeal, okay.

22 A. It's one giant civil rights violation that  
23 you, my friend, should recognize very clearly. You  
24 don't just pull somebody from their life like that  
25 and lock them up for 30 hours.

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1 Q. When you were confined at the jail did you  
2 ever tell any jail employees that you would sue  
3 them?

4 A. No.

5 Q. Did you ever threaten a lawsuit while  
6 incarcerated?

7 A. No.

8 Q. Which jail --

9 A. Not that I remember. Because, again, I'm in  
10 a -- a state that no one can even -- I couldn't  
11 imagine being that -- not that I remember. I just  
12 remember trying to be as cooperative as possible,  
13 you know, because anything I said or did they  
14 didn't -- you know, they were -- it was a -- a -- I  
15 was trapped and I was confined the whole time  
16 from -- from taking me out of the courtroom until  
17 they finally let me free.

18 Q. I may have asked you this already, I  
19 apologize if I did, but you never saw anyone  
20 attempting to commit suicide at the jail, correct?

21 A. No, I just heard the sirens and then the  
22 woman told me that she had seen a dead body in a  
23 cell.

24 Q. And you never saw a dead body?

25 A. I don't know which one that was. No, I

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1 didn't see a dead body. I prayed for whoever it  
2 was, so maybe they didn't commit suicide.

3 Q. Do you have any personal knowledge about the  
4 jail's policies and procedures for housing female  
5 inmates?

6 A. No. I was an inmate?

7 Q. You've alleged in the lawsuit that jail  
8 staff taunted you at the jail.

9 A. Are you saying I was an inmate?

10 Q. What's that?

11 A. Forget it.

12 MR. PADDEN: Just let him ask the  
13 questions.

14 A. I didn't say I was an inmate. I was asking  
15 you a question. But go ahead.

16 MR. PADDEN: Go ahead and ask the next  
17 question.

18 Q. Which jail personnel taunted you at the jail  
19 that you've claimed in the lawsuit?

20 A. Many of them.

21 Q. Who?

22 A. Well, Gonder for sure.

23 Q. How did he taunt you?

24 A. All night long.

25 Q. How?

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1           A. Any chance he could find. He took my --  
2 going back was he took my mattress, he told me that  
3 I'd never see my camera again, him and others said I  
4 looked beautiful when they knew darn well they put  
5 me in such a state that I did not look very nice,  
6 the Nelson Mandela comment, the crocodile tears  
7 comment, the we're not going to give you anything,  
8 taking my toilet paper, saying that I was a mummy,  
9 just on and on, on and on, and, you know, things  
10 like, you know it's going to get worse for you, that  
11 was said at least twice.

12           Q. Who said it?

13           A. I believe it was Gonder.

14           Q. Both times?

15           A. I don't know if it was Gonder the -- I think  
16 he was the first time maybe. But that was said a  
17 few times, things are only going to get worse, and  
18 they're only going to get worse. And they did get  
19 worse, they got worse and worse and worse.

20           Q. Beyond Deputy Gonder are you claiming that  
21 anybody else taunted you at the jail?

22           A. I think regularly they were just taunting  
23 me. I mean, the comments about being beautiful and  
24 they knew I weren't and not letting me have things,  
25 that to me is not something that you do when you're

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1 you know, caring for people.

2 Q. Anything else, any other way in which you  
3 were taunted that we haven't discussed?

4 A. I can't recall at this time.

5 Q. And we talked a lot about your time at the  
6 jail. Have we discussed all the ways in which you  
7 claim that your due process rights were violated at  
8 the jail on September 12th and 13th of 2013?

9 A. The jail, the whole thing is a due process  
10 rights violation, if you understand due process at  
11 all --

12 Q. I'm asking you --

13 A. The whole thing, the whole thing.

14 Q. I'm asking you if we've discussed all --

15 A. We can talk about the little particulars  
16 that you could have taken me into that jail and just  
17 kept me there and gave me all of my refreshments and  
18 it's still a civil rights violation. So get that  
19 through your head.

20 Q. I'm asking you if we have discussed all the  
21 ways in which your civil rights were violated at the  
22 jail to the best of your recollection.

23 A. To -- so -- what you're -- there -- and I'm  
24 saying I discussed many of the ways my civil rights  
25 were violated, but they were violated just by taking

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1 me. They didn't have to taunt me, sexually  
2 humiliate me, you know, take all my -- the limited  
3 provisions that I had. They didn't have to do that  
4 to violate my civil rights. It's violated  
5 immediately when they take me into custody. So I  
6 just want you to understand that.

7 Q. I understand --

8 A. So in that way I've told you many of the  
9 things that happened to me, the whole thing is a  
10 civil rights violation.

11 Q. Are there any other ways in which you claim  
12 that your civil rights were violated at the jail  
13 that we haven't discussed?

14 A. Not that I recall at this time. I can't  
15 even watch -- watch those things, it upsets me, so.

16 Q. You were never threatened at the jail with  
17 physical harm, were you?

18 A. The whole thing was a physical harm from  
19 beginning to end. The whole thing was a threat.  
20 They had guns.

21 MR. PADDEN: I think -- I think -- I  
22 think what he means, Michelle, is I think did  
23 someone say unless you do X I'm going to kick your  
24 butt or something like that.

25 THE WITNESS: Not -- not --



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1 MR. PADDEN: Wait a minute. Time out.  
2 Is that fair, Jeff?

3 MR. TIMMERMAN: Yeah.

4 MR. PADDEN: I'm not trying to --

5 MR. TIMMERMAN: When threatened with  
6 physical harm, I think it's a simple question.

7 A. Well, it was unless you do X I'm not letting  
8 you -- I'm not giving you a blanket, unless you do  
9 X, I'm not -- that's kind of unless you do. That's  
10 harm. Do you get that, that that is harm --

11 BY MR. TIMMERMAN:

12 Q. I'm talking about --

13 A. -- when you're freezing cold?

14 Q. I'm talking about physical harm.

15 A. They didn't have to threat it, they were  
16 doing it.

17 Q. Nobody at the jail said, I will physically  
18 harm you if you don't do that, did they?

19 A. They just did -- they didn't say that. They  
20 didn't threaten it, they just did it.

21 Q. I'm asking you whether or not anyone at the  
22 jail threatened to hurt you physically.

23 A. They didn't threaten it, they just did it.

24 Q. Did anyone at the jail threaten to rape you  
25 or sexually assault you?

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1 A. No.

2 Q. Were you touched inappropriately at all at  
3 the jail by any jail staff?

4 A. Yes.

5 Q. By whom?

6 A. By the deputies that were grabbing me.

7 Q. And grabbing you and --

8 A. They were not supposed to come into your  
9 cell, and they did, in and out.

10 Q. Did any deputy touch your breast?

11 A. And the other harm was -- no. No, they  
12 didn't touch my breast that I know. They grabbed  
13 me -- I mean, that I know of, no.

14 Q. Did any deputy touch your buttocks?

15 A. That I know of, no.

16 Q. Did any deputy touch your vagina?

17 A. No.

18 THE VIDEOGRAPHER: We're going off the  
19 record. That will be the end of disc two in the  
20 deposition of Michelle Shimota. The time is 1:15  
21 p.m.

22 (MacDonald Deposition Exhibits 12-13  
23 marked for identification.)

24 (Break from 1:15 to 1:18 p.m.)

25 THE VIDEOGRAPHER: We're back on the

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1 record. This is the continuation of the deposition  
2 of Michelle MacDonald Shimota, the beginning of disc  
3 three. The time is 1:18 p.m.

4 BY MR. TIMMERMAN:

5 Q. Ms. MacDonald, I placed in front of you  
6 Exhibit 13, which is your first amended complaint in  
7 this lawsuit. Do you recognize this document?

8 A. Yes.

9 Q. Did you draft it?

10 A. No.

11 Q. I'd like to go through some of your  
12 allegations. If you could turn to paragraph 39,  
13 please.

14 What evidence do you have that you were  
15 placed in a courtroom holding cell to intentionally  
16 initiate a plan to persecute and punish you for  
17 bring a Section 1983 Case against Judge Knutson and  
18 seeking his recusal?

19 A. You haven't given me the evidence.

20 Q. What evidence do you believe exists?

21 A. The deputies were in the courtroom I believe  
22 the day before and that day, and were very much  
23 aware of my name and that I had filed a lawsuit  
24 against Judge Knutson.

25 Q. Is it your belief --

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1 A. And -- and they also had conversations, as  
2 you've mentioned earlier, with Judge Knutson without  
3 my knowledge.

4 Q. Is it your belief that Judge Knutson  
5 orchestrated your incarceration on September 12th  
6 and 13th?

7 A. I believe there was a -- there had to be.  
8 There had to be. Because I didn't do anything  
9 illegal. There had to be some kind of a conspiracy  
10 between the deputies and him and court personnel,  
11 but the deputies are to blame.

12 Q. My question was, do you believe that Judge  
13 Knutson orchestrated it?

14 A. I believe they all orchestrated it. So I  
15 don't know. They all orchestrated it.

16 Q. You've accused Judge Knutson of  
17 orchestrating it in bar complaints about him,  
18 correct?

19 A. I made four bar complaints against Judge  
20 Knutson, yes. And he happens to be on the Board of  
21 Judicial Standards, so that didn't get anywhere.

22 Q. And Judge Knutson is still a city judge in  
23 Dakota County, correct?

24 A. He is.

25 Q. So you say because my clients were in the

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1 courtroom on September 12th -- 11th, excuse me, when  
2 you informed Judge Knutson that you filed a civil  
3 rights lawsuit against him, that knowledge led them  
4 to retaliate against you for filing that lawsuit?

5 A. Right, they all -- they all aligned against  
6 me. That had to be what happened, because why would  
7 this happen if that didn't happen, if they all  
8 aligned against me. I did nothing --

9 Q. Okay.

10 A. -- wrong.

11 Q. So aside from the fact that they were in the  
12 courtroom on September 11th, what other proof do you  
13 have that they all aligned against you?

14 A. The proof I just told you. Asked and  
15 answered. That they had conversations obviously  
16 amongst each other. This is -- this is things I  
17 found out later, and they had conversations amongst  
18 each other. They violated my rights. They looked  
19 in my phone without a warrant. They looked at my  
20 camera without a warrant. Just to -- why, I  
21 don't -- to try to find -- to find me -- make me  
22 wrong about something so that they could do this to  
23 me.

24 Q. Well, you don't know whether they looked at  
25 your camera, right? You testified you didn't know.

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1 A. I assume they did because they took my  
2 camera and they looked at my cell phone.

3 Q. I'm talking about your cell phone. I'm  
4 sorry.

5 A. I mean, they obviously did.

6 Q. Let me clean up the record there. Your  
7 camera was searched. Your cell phone --

8 A. And they'll lie about it, but they looked at  
9 it. I don't know if they'll lie about it.

10 MR. PADDEN: Just answer the question,  
11 Michelle.

12 Q. My question is, again, you testified that  
13 you believe your cell phone was searched, but you  
14 don't know one way or the other, correct?

15 A. They took my cell phone. I already answered  
16 that. I don't know one way or another.

17 Q. Got it. Thank you.

18 A. But they took it. So why did they take it  
19 and why did they take my camera, to look at it.

20 Q. When evidence do you have to support your  
21 allegation that you were handcuffed and placed in a  
22 wheelchair as retaliation for criticizing Judge  
23 Knutson?

24 A. The whole circumstances. Why would they  
25 handcuff me and put me in a wheelchair and bring me

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1 back to the trial. That's nonsensical. They have  
2 me in their jurisdiction, why would they bring me  
3 back out to a trial. They should have just said,  
4 Judge Knutson, we have her under arrest. What --  
5 what was that?

6 Q. Did Judge Knutson give you the option of  
7 going with the deputies or continuing the trial?

8 A. No, he -- they brought me out and on my  
9 trial record as I'm sitting there in a humiliating  
10 state, I don't even know what's going on I'm so  
11 confused, it doesn't make sense to me, and I had to  
12 stay there. Judge Knutson was going to default my  
13 client. That's what he -- he gave me every option  
14 in the book and the one I took was I don't want my  
15 client to get a default, so I'm staying here. There  
16 was no option to go with the deputies. There was  
17 no -- they already knew my name. They didn't give  
18 me a ticket. It was crazy making.

19 Q. Can we go back to Exhibit 4, page 46 of  
20 Exhibit A to Exhibit 4.

21 A. Yeah. Yeah, I, the record --

22 Q. There's no question.

23 A. Okay.

24 Q. Judge Knutson says, Ms. MacDonald, you have  
25 an obligation to your client. Do you wish to

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1 participate in these proceedings and proceed, do you  
2 want to remain seated in the courtroom, or would you  
3 like to go with the deputies.

4 So Judge Knutson is giving the option of  
5 staying in the courtroom or going with the deputies,  
6 correct?

7 A. Mm-hmm.

8 Q. And you made the decision to stay in the  
9 courtroom, correct?

10 A. Right.

11 Q. Why didn't you go with the deputies?

12 A. Because I made the decision to stay in the  
13 courtroom so my client wouldn't be defaulted.

14 Q. Where in this transcript does Judge  
15 Knutson --

16 A. Why doesn't that make sense?

17 Q. Because where in this transcript does Judge  
18 Knutson threaten to default your client?

19 A. He did it later on. He mentioned some rule.  
20 It's in -- he said --

21 Q. He said that you were going to proceed,  
22 correct?

23 A. And he mentions rule -- he mentions a rule.  
24 I think that's the default rule.

25 MR. PADDEN: I believe it is in there,



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1 Jeff, that he said it would be defaulted if she  
2 didn't proceed. I don't know where specifically it  
3 is, but I believe I've seen that.

4 MR. TIMMERMAN: I know he references a  
5 rule, but I don't think any reference to default.  
6 Regardless --

7 A. That rule is the default rule.

8 BY MR. TIMMERMAN:

9 Q. Regardless, I wanted to clarify that you  
10 were given the option to stay in the courtroom or to  
11 the leave courtroom and you said you were?

12 A. Right.

13 Q. Deputies at no point in time on September  
14 12th had their guns drawn, correct?

15 A. No.

16 Q. Guns were holstered the entire time,  
17 correct?

18 A. Right.

19 Q. And in your experience, I understand you've  
20 been to Dakota County District Court a lot, it's not  
21 unusual for courtroom security staff to have guns,  
22 correct?

23 A. Right.

24 Q. And that's for safety, right?

25 A. Whatever they want. For their safety, hm.

1 Wasn't for the safety of me.

2 Q. Paragraph 78 of your first amended  
3 complaint --

4 MR. PADDEN: Page 16.

5 Q. How did my clients cause you to  
6 ineffectively represent Ms. Grazzini-Rucki?

7 A. Because they arrested me and brought me back  
8 to my trial. I was under their jurisdiction.

9 Q. Any other way?

10 A. That's probably enough.

11 Q. Do you believe that your representation of  
12 Ms. Grazzini-Rucki was ineffective on September 12?

13 A. Yes. Although I had already -- I had done  
14 her case the day before. This was their case. So  
15 my ineffectiveness was because I was -- I had no --  
16 I was brought to an empty courtroom with no -- the  
17 deputies brought me back in handcuffs with a belt  
18 around my waist with no shoes, no glasses, no  
19 jewelry. I thought I was attached to the  
20 wheelchair.

21 Q. You refused to answer --

22 A. And I couldn't stand up and my boxes were  
23 all gone and I had kind of an empty table. I  
24 remember seeing a pen and a paper. And I had no  
25 materials, so all the materials were gone. And the

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1 deputies brought me back out to finish this trial  
2 while I'm in their jurisdiction, while I'm under  
3 arrest.

4 Q. And you refused to answer -- you refused to  
5 answer a lot of Judge Knutson's questions --

6 A. I -- I --

7 Q. Can I finish my question? You refused to  
8 answer many of Judge Knutson's questions thereafter,  
9 correct?

10 A. I thought I did. I mean, I just thought he  
11 would see, you know, that here I am, you know, I'm  
12 under arrest, hello, kind of a thing. I -- I -- I  
13 didn't -- it's -- that's why I -- I -- I think there  
14 was some wink, winks, must have talked in the back.  
15 I couldn't -- I couldn't fathom why I was there if I  
16 was under arrest why I'm sitting here, you know, and  
17 the judge is saying we're going to default you, you  
18 can go with them, you cannot. I stayed with the  
19 case. I had no -- no choice to stay with the case,  
20 or my client would be in default.

21 Q. Was the decision to file a federal civil  
22 rights lawsuit against Judge Knutson during the  
23 trial in this family court matter a ploy to get  
24 Judge Knutson removed from the case?

25 A. No, no.

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1 Q. You can turn to paragraph 105, please. You  
2 allege in paragraph 105 that the Dakota County  
3 Sheriff's Office released a picture of you to  
4 reporters?

5 A. Yes.

6 Q. What picture?

7 A. That picture.

8 Q. Your booking photo?

9 A. Mm-hmm.

10 Q. Do you have any personal knowledge regarding  
11 the data classification of booking photos in the  
12 Minnesota Government Data Practices Act?

13 A. No. They released it to -- it says right on  
14 there, release, I gave it to you. They released it  
15 to the Pioneer Press and says right on it courtesy  
16 of Dakota County Sheriff's --

17 Q. Do you know whether --

18 A. -- months later.

19 Q. Do you know whether the Pioneer Press  
20 requested your booking photo?

21 A. It was on a -- I have no idea why they would  
22 request a -- I never got booked on that charge.

23 Q. You have a booking photo, though, however.

24 A. I would --

25 Q. I'll show it to you right now.

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1 A. I gave you a copy of the article.

2 Q. This is Exhibit 13 to your deposition.

3 A. I don't want to look at that.

4 Q. Well, we have to look at it for a moment.

5 MR. PADDEN: So what's the question,  
6 Jeff? Was there a booking photo?

7 Q. Correct. There was a booking photo. This  
8 is your booking photo here on Exhibit 13. Do you  
9 have any reason for disputing that?

10 A. They took that photo of me, yes, in the  
11 middle of my torture. You can see the difference.

12 Q. You've also alleged --

13 A. Thank you very much for --

14 MR. PADDEN: Just wait for the next  
15 question.

16 Q. You've also alleged in your complaint that  
17 no inventory was made of your property. Exhibit 13  
18 is exactly that, it's a property inventory sheet.  
19 Do you see that?

20 A. Where does it say --

21 Q. It's in front of you right now. This is it.

22 MR. PADDEN: You want to see the  
23 picture?

24 A. They never gave me that.

25 MR. PADDEN: How about page 2, Jeff?

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1 I'm sorry.

2 Q. This is a property inventory.

3 MR. PADDEN: Okay.

4 A. They never gave me that.

5 Q. So would you agree with me that an inventory  
6 actually was made? In fact, if you turn to the back  
7 page you'll see a photograph of items that were  
8 taken from you.

9 A. Mm-hmm.

10 Q. Do you see that?

11 A. I've never seen this before.

12 Q. Are these the items that were placed in the  
13 bag in the courtroom holding cell area?

14 A. They had also -- well, yeah, these are the  
15 items they took from me, my -- thank you for this,  
16 because I have never seen this. My earrings, hair  
17 piece, rings, glasses, and then my necklace, but my  
18 cross is missing.

19 Q. Okay. So you've alleged in your complaint  
20 that there was no property inventory --

21 A. Oh, here's the other things. I forgot about  
22 these things they took from me. My cell, legal  
23 papers, those were not my legal papers, those were  
24 papers they put -- gave to me.

25 Q. Correct.

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1 A. So that was not my property. Also what they  
2 gave to me was the -- the exhibit I was looking for,  
3 the court calendar.

4 Q. My question --

5 A. Where did they get that? That's my question  
6 to them.

7 Q. My question for you is this --

8 A. That was not my property either.

9 Q. My question to you is this, you alleged in  
10 your complaint that there was no inventory made of  
11 your property. After seeing Exhibit 13 would you  
12 agree with me that that allegation is incorrect?

13 A. Yes.

14 Q. Thank you. You've also alleged in paragraph  
15 172 that news reporters flocked, quote, "flocked to  
16 the jail"?

17 A. Yes.

18 Q. Which news reporters?

19 A. It was the same -- as far as I know, because  
20 I was in jail, it was the same news crew that had  
21 been there the day before.

22 Q. Which was who?

23 A. Fox 9.

24 Q. Trisha Van Pilsum?

25 A. Yes.

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1 Q. So there was a reporter, not reporters  
2 plural, correct?

3 A. There was -- you know, as far as I knew, the  
4 reporters, yeah, she was the main one. She had a  
5 producer and a camera man and all that. She had a  
6 whole crew.

7 Q. Are you aware of any other news reporters  
8 who were at the jail while you were there?

9 A. You'll have to tell me, because I'm waiting  
10 for that video of the outside that I subpoenaed the  
11 following week to see who was out there. But that's  
12 what I was told, that the media was out there.

13 Q. Okay. You don't know anyone other than  
14 Trisha Van Pilsum you don't know, though, correct?

15 A. Right.

16 Q. Thank you.

17 A. Because I was in jail captured by your  
18 people.

19 Q. And you didn't actually give an interview to  
20 Trisha Van Pilsum when you were released, did you?

21 A. She when I -- right when I got out my phone  
22 rang, and it was her.

23 Q. Did you give her an interview?

24 A. The phone rang, it was still working, and  
25 she said she knew what happened to me. I talked to



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1 her. And she said she had to go with her crew, that  
2 she was waiting there all day. She had to go with  
3 her crew on another story, but she would do another  
4 story.

5 Q. And did you ultimately give her an  
6 interview?

7 A. No.

8 Q. Did you have any visitors at the jail?

9 A. No.

10 Q. Beyond releasing the booking photo to the  
11 Pioneer Press, what other ways do you claim that my  
12 clients have publicized the fact that you were  
13 arrested and detained at the jail?

14 A. The whole thing, the fact that they did it.

15 Q. The fact that they did it and the booking  
16 photo. Have my clients in any other way whatsoever  
17 publicized the fact you were arrested and confined?

18 A. The -- not that I'm aware of.

19 Q. In fact you publicized it quite frequently,  
20 correct?

21 A. Yes.

22 Q. You --

23 A. I publicized I did a trial in handcuffs,  
24 because you guys had been covering it up for so  
25 long. It's about time somebody knows what happened

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1 in that -- on that day.

2 Q. You self-publicized it, correct?

3 A. I didn't -- I was asked about it -- well,  
4 here's what happened, after the week following what  
5 happened, I didn't -- I didn't -- I didn't want to  
6 publicize it. I didn't want anybody to know this.  
7 I didn't know how to react. Fox 11 was already  
8 there. They had said that they were in the  
9 courtroom and saw it. So I don't know. She said  
10 something like, we were there, we saw it, okay.

11 But I had a brief due in appellate court the  
12 following week. I had already asked for an  
13 extension. So I had to write an affidavit and give  
14 a reasonable reason why it was extended. And it was  
15 the following week I had to do an affidavit. And I  
16 was just going to say I had a trauma, I -- I -- I  
17 was sick, you know, because I was in a state. And  
18 instead my husband said, just tell them what  
19 happened.

20 So it took a lot of courage, but at that  
21 point I put it on an affidavit what happened, and  
22 embarrassed myself with my client, had to explain to  
23 her what happened, had to tell the appellate court  
24 what happened, you know, and try to explain that I  
25 did nothing wrong, it's not my fault. And then

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1 somebody saw that affidavit, somebody out in  
2 California and called me.

3 Q. Who?

4 A. Her name was Bonnie something or other. She  
5 had a -- she had a website. And then from there I  
6 got a call from Joe Sorge of Divorce Corp who  
7 couldn't -- was saying, did this really happen to  
8 you. And then it kind of blossomed. And then I  
9 basically said, well, I might as well talk about it,  
10 because it's something that happened to me, that I  
11 experienced, so I had no -- I did it.

12 Q. Okay. Who ultimately --

13 A. And most of the time I'm just trying to  
14 defend myself because of what you guys did.

15 Q. Who contact -- who contacted 20/20?

16 A. 20/20 contacted me. I didn't contact them.

17 Q. Okay.

18 A. They just called me up on October 22, 2015.

19 Q. What personal firsthand knowledge do the  
20 following persons have about the facts -- the facts  
21 underlying your Fourth and Fourteenth Amendment  
22 claims or your claims relating to the lawsuit here  
23 pending. Okay? I'm going to go through a list.  
24 I'd like you to tell me what facts these people have  
25 firsthand knowledge of.

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1 How about Laurie Cylkowski?

2 A. She was trying to get me out. My husband  
3 called her. She's an attorney.

4 Q. How about Deborah Sampson?

5 A. And Debbie also was called. She's my  
6 paralegal, and when this happened to me, and was  
7 calling frantically. People were just trying to  
8 help me from the outside. I was inside.

9 Q. And Sandra Grazzini-Rucki is listed.  
10 Obviously she was in the courtroom with you,  
11 correct?

12 A. She was in the courtroom with me. She was  
13 trying to do whatever she could, because she  
14 understood I was arrested and --

15 Q. And she was ultimately convicted of felony  
16 child deprivation, correct?

17 A. Yep.

18 Q. And you wrote a book about her, right?

19 A. I did.

20 Q. What about Dede Evavold, was she also  
21 convicted of a felony?

22 A. Yes, she was.

23 Q. And she was your campaign manager for the  
24 two thousand --

25 A. By Dakota County, by the way, both of

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1       them --

2           Q.   She was also --

3           A.   By your people in part of the overall cover  
4       up of a cover-up of a cover-up.

5                       MR. PADDEN:   Just answer the question,  
6       please.

7           Q.   No, I want to get into this actually.   Are  
8       you accusing my colleagues of corruption?

9           A.   Yes.

10          Q.   Which colleagues of mine are you accusing of  
11       corruption?

12          A.   We'll deal with that later.   The whole --  
13       your whole Dakota County's entirely corrupt, okay.  
14       So that's another story.

15          Q.   I'm asking you --

16          A.   I'm not doing that in this lawsuit, but  
17       yeah.

18          Q.   I'm asking you which colleagues of mine  
19       you're accusing of corruption.

20          A.   Do you want me to start -- do you know what  
21       corruption means?

22          Q.   I'm asking you --

23          A.   The fact that you're even representing these  
24       deputies is corruption.   Okay?   They should have  
25       their own representation.

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1 Q. I don't need you to define corruption for  
2 me.

3 A. But you're asking me. So corruption is a  
4 broad term.

5 Q. Okay. Which -- are you accusing any of my  
6 colleagues of breaking the law?

7 A. Which colleagues?

8 Q. In the Dakota County Attorneys Office.

9 A. I'm not going to speak to that right now,  
10 because I could say a lot. Okay? Let's just talk  
11 about this lawsuit.

12 Q. Are you accusing me of breaking the law?

13 A. I would like my evidence. I would like my  
14 evidence. I think you've obstructed. I talked  
15 about that earlier. Mm-hmm. And also the fact that  
16 you're representing is a huge conflict. Because  
17 you're not supposed -- and I think like regularly  
18 you and your colleagues give advice to the sheriffs.  
19 They should have their own advice. There's a  
20 problem there, a big problem.

21 In other states they don't -- the sheriffs  
22 don't call the county attorneys. The police don't  
23 call the prosecutors for advice. That's --  
24 that's -- that's the foundational corruption in your  
25 county. And that you think all of this is okay is a

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1 huge problem, just business as usual.

2 Q. That sounds like Red Herring Alert. Do you  
3 write as Susan for Red Herring Alert?

4 A. No, never Red Herring Alert.

5 Q. Have you ever gone by the name of Susan?

6 A. I don't do blogs. I don't -- I write my own  
7 stuff and I say who it is. I say Michelle  
8 MacDonald, I wrote this.

9 Q. The question is have you ever used the  
10 pseudonym Susan?

11 A. No.

12 Q. Have you ever used the pseudonym Susan  
13 Carpenter?

14 A. No. If I'm going to write something, it's  
15 for me, so know that. I don't hide.

16 Q. Dede Evavold was your campaign manager for  
17 the 2014 supreme court election --

18 A. Yes.

19 Q. -- correct?

20 A. She was.

21 Q. Is she your campaign manager this time?

22 A. No.

23 Q. What personal knowledge of the facts  
24 involved in this lawsuit does Kimberley Bukstein  
25 have?

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1 A. Kimberley was -- she's a civil rights  
2 specialist, and she's just been following the story.

3 Q. Does she have any personal knowledge?

4 A. She was there -- I think she was there the  
5 day of my arrest. She might have been there the day  
6 before that. She's just a civil rights advocate.

7 Q. How about Steven Erickson, what knowledge  
8 and facts?

9 A. Steven Erickson is a colleague of mine that  
10 I told the story to in confidence because I feel  
11 like I have to explain that I did nothing wrong.  
12 For the last -- it's -- it's -- it's better now, but  
13 for the last couple of years -- I mean, I don't know  
14 how much better it is now, I feel like I have to  
15 explain that I did nothing wrong. And that's why  
16 this is -- what you did to me is so horrific because  
17 I have to -- I didn't do anything wrong for you to  
18 do all of this, your people.

19 Q. Are you planning to present any expert  
20 testimony at trial?

21 A. I believe so, yes.

22 Q. On what subjects?

23 A. You'll have to ask Mike.

24 Q. Now, you've --

25 A. Certainly on -- on all these what happened.



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1 I mean, where's the due process in what happened.  
2 There will need to be a -- somebody that is an  
3 expert in these processes, a sheriff of some kind,  
4 so that would be one.

5 Q. Any other experts?

6 A. I'm not sure at this time.

7 Q. Your dad --

8 A. You'll have to ask my attorney.

9 Q. Your father is Dr. Charles Lowney, correct?  
10 What kind of doctor is he?

11 A. He's a family practice doctor.

12 Q. Is he a licensed mental health doctor?

13 A. No.

14 Q. Is he a licensed dermatologist?

15 A. No.

16 Q. You produced some documentation in this  
17 lawsuit about a rash that has been on your body.  
18 Number one, I'm going to ask you, is that rash  
19 technically called lichen planus?

20 A. I believe so, yes.

21 Q. When were you first diagnosed with lichen  
22 planus?

23 A. A few months after this incident.

24 Q. Some of the medical records you produced in  
25 the lawsuit said you had an initial outbreak in 1992

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1 and 1993?

2 A. Yes, yeah, years and years ago is the first  
3 time I had it when I was really stressed. I think I  
4 was in law school at the time.

5 Q. What happened with that initial outbreak?  
6 Can you just explain to me what it was like?

7 A. The initial outbreak?

8 Q. Yes.

9 A. It was -- if I recall it was just, you know,  
10 everywhere but my hands and my feet.

11 Q. Did you get treatment for it back in 1992  
12 and '93?

13 A. Yes, there was some creams and then -- there  
14 was some creams. I think I got some light treatment  
15 back then to get rid of it. Sun, being in the sun  
16 was one of the treatments.

17 Q. Did it go into remission?

18 A. It -- yes, it went -- it was gone.

19 Q. How many flare-ups of lichen planus have you  
20 had since that time?

21 A. None, except this time.

22 Q. And then Brookline Dermatology records that  
23 you produced in this lawsuit reflect that you saw a  
24 doctor for lichen planus on May 26th of 2015.

25 A. Right.

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1 Q. Okay. Is that when it reappeared, when the  
2 symptoms reappeared?

3 A. It was before that, because it was -- I was  
4 trying -- I was trying the creams and trying to get  
5 rid of it, trying to be in the sun, and it wasn't  
6 going away. So it was months before that.

7 Q. When did it reappear?

8 A. No, it was once before I went to the doctor.

9 Q. I'm just trying to pin down the time frame.  
10 You go to the doctor in May of 2015. When did that  
11 first reemerge?

12 A. Maybe about a year before that, nine months  
13 before that. I was trying everything. And then I  
14 was home and my dad, who had sent me the creams and  
15 stuff, sent me to a doctor.

16 Q. Brookline Dermatology?

17 A. Brookline Dermatology.

18 Q. And you ultimately saw My Dermatologist here  
19 in Inver Grove Heights, correct?

20 A. Right.

21 Q. And records reflect that was in July of  
22 2015?

23 A. Right.

24 Q. And you were treated for lichen planus by My  
25 Dermatologist as well, correct?

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1 A. Right.

2 Q. Is it in remission presently?

3 A. It's better, yeah. I think that treatment  
4 really helped from My Dermatologist.

5 Q. Is it in complete remission?

6 A. It doesn't seem to be popping up, mm-hmm.

7 Q. And what was the treatment that My  
8 Dermatologist prescribed?

9 A. There were light treatments and creams and  
10 sun. I think the difference was the light  
11 treatments.

12 Q. How much money have you spent out of pocket  
13 on treatment for your lichen planus since September  
14 13th of 2013?

15 A. I'm not sure because insurance covered some  
16 of it.

17 Q. Do you have billing records?

18 A. They would have billing records. I just  
19 paid it as I went.

20 Q. Do you have payment records?

21 A. No, not that -- jumbled up in all my other  
22 payment records.

23 Q. Are you claiming in the lawsuit --

24 A. They would know that.

25 Q. Are you claiming in the lawsuit that my

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1 clients caused your lichen planus to reemerge?

2 A. The whole -- this whole thing, yes, it's  
3 this whole thing.

4 Q. Has a dermatologist, specifically a  
5 dermatologist, ever informed you that your lichen  
6 planus flare-up was caused by stress, anxiety,  
7 depression, or post traumatic stress disorder?

8 A. I believe so, yes.

9 Q. Which dermatologist?

10 A. Every time I went in they were like -- when  
11 I went in they, okay, this is because of stress,  
12 period.

13 Q. Which --

14 A. My dad as well.

15 Q. Your dad is not a dermatologist.

16 A. Right.

17 Q. What dermatologist has told you that your  
18 lichen planus flare-up was caused by stress or  
19 anxiety?

20 A. I think both of them.

21 Q. By both of them you mean Brookline and My  
22 Dermatologist?

23 A. Yes. My dad is a general practice. I mean,  
24 back when they started 50 years ago you do  
25 everything. He knows everything about medicine.

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1 Q. Do you have an opinion --

2 A. He does dermatology.

3 Q. Have you obtained a written opinion from a  
4 dermatologist stating that your lichen planus  
5 flare-up was attributable to the stress that you  
6 claim to have suffered in this lawsuit?

7 A. No, I just know it was. I know my own body  
8 and I know it was because of this trauma here.

9 Q. Has a physician other than a dermatologist  
10 ever informed you this flare-up of lichen planus was  
11 caused by the stress, anxiety, depression, that you  
12 suffered --

13 A. My dad.

14 Q. Can I finish my question?

15 A. Yes.

16 Q. The stress, anxiety, depression, et cetera,  
17 that you claim to have suffered as a result of being  
18 arrested?

19 A. My dad, it's -- it's from stress when you --  
20 but -- my dad, yes.

21 Q. Are you aware of any medical journals,  
22 papers, professional publications that link stress,  
23 anxiety, or depression as a cause of lichen planus?

24 A. No.

25 Q. Are you planning to present expert testimony

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1 at trial linking your lichen planus outbreak to the  
2 alleged mental and emotional distress --

3 A. I don't know.

4 Q. You haven't decided?

5 A. No.

6 Q. Prior to September 12th of 2013 had you ever  
7 been diagnosed with or treated for post traumatic  
8 stress disorder?

9 A. Prior to when? No.

10 Q. September 12th of '13?

11 A. No, never.

12 Q. Again, prior to September 12th of 2013 have  
13 you -- had you ever been diagnosed with depression  
14 or treated for depression?

15 A. No.

16 Q. Anxiety?

17 A. No.

18 Q. Insomnia?

19 A. No.

20 Q. Abnormal weight loss?

21 A. No.

22 Q. Prior to September 12th of 2013 have you  
23 ever been diagnosed or treated for any mental or  
24 psychological disorder or disease?

25 A. No.

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1 Q. Any physical manifestation of a mental or  
2 psychological disorder?

3 A. No.

4 Q. Had you ever suffered any of these things  
5 prior to September 12, 2013?

6 A. No.

7 Q. And by these things I mean PTSD, depression,  
8 anxiety, insomnia, or abnormal weight loss?

9 A. No.

10 Q. Prior to September 12, 2013 had you ever  
11 been treated by a mental professional of any type,  
12 including a psychologist or psychiatrist?

13 A. No.

14 Q. What mental emotional distress do you claim  
15 that Mr. Wegner, Mr. Melton, Mr. Gonder, and  
16 Mr. Napper caused you?

17 A. Well, the whole situation. They were just  
18 the people.

19 Q. I'm specifically asking --

20 A. -- the specifics.

21 Q. -- identify the types of distress that you  
22 claim they caused you.

23 A. The whole situation. What do you mean the  
24 types of distress?

25 MR. PADDEN: You mean symptoms, Jeff?



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1 A. You're talking about symptoms?

2 Q. Anxiety, depression, yes.

3 A. Yeah, all of that.

4 Q. All of what? Can you explain?

5 A. All the anxiety. And I don't want to say  
6 this sounding like a crazy person when I start to  
7 talk about it. That's what you want me to do, and  
8 I'm not going to do it.

9 Q. I'm not trying to bait you, Ms. MacDonald.

10 A. No, I -- I can't talk about this without,  
11 you know, getting all worked up, either crying or --

12 MR. PADDEN: He understands that,  
13 Michelle. He's just trying to see if you can  
14 verbalize -- it's appropriate for him to ask that,  
15 you know, if you can, you know -- you know,  
16 obviously something like PTSD, I'm not trying to  
17 tell you what to answer, but he's saying are you  
18 able to articulate, you know, how it is that what  
19 happened -- how you claim what happened has affected  
20 you mentally and emotionally.

21 Is that fair, Counsel?

22 MR. TIMMERMAN: Yep, that's fair.

23 BY MR. TIMMERMAN:

24 Q. What do you claim to have suffered?

25 Anxiety, depression, et cetera?

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1 A. Anxiety.

2 Q. What else?

3 A. Depression.

4 Q. What else?

5 A. If you want to put labels on it, just --  
6 just the suffering, not being able to sleep, having  
7 bad dreams, having to fight through a lot of  
8 feelings and emotions when I come here to this  
9 courthouse.

10 Q. Okay. What else?

11 A. When I see a deputy.

12 Q. Anything else?

13 A. That's all I can recall at this time. It's  
14 been ongoing and constant.

15 Q. Weight loss?

16 A. Yep.

17 Q. Okay.

18 A. Just not wanting to eat. Not being able to  
19 sleep and trying to just put it -- put it away. And  
20 trying to, you know, just be -- be in the world  
21 without having to be judged by this.

22 Q. Have you ever been diagnosed by a mental  
23 health professional with post traumatic stress  
24 disorder?

25 A. Just the person I go to.

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1 Q. Dr. Meyer?

2 A. Yeah, Dr. Meyer, and my -- my dad, I mean,  
3 people tell me, you have it. It's something you  
4 don't lose.

5 Q. I'm asking you specifically --

6 A. You're -- you're triggering it right now.

7 Q. I'm asking you specifically what mental  
8 health professional has diagnosed you with PTSD.

9 A. My dad says I have it and so does that lady,  
10 Meyer.

11 Q. I'll represent to you, and we'll look at  
12 these notes in a moment, psychotherapy notes from  
13 Dr. Meyer that I obtained in this lawsuit.

14 A. I didn't ask her for a diagnosis, so.

15 Q. There is a diagnosis in there, and it's not  
16 post traumatic stress disorder.

17 A. Okay. Well, then whatever.

18 Q. To the best of your knowledge have you ever  
19 been --

20 A. I'm fighting through it.

21 Q. To the best of your knowledge have you been  
22 diagnosed with post traumatic stress disorder --

23 A. No.

24 Q. -- by any -- by any medical professional?

25 A. No, it is what it is, is what my dad said

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1 and what she said.

2 Q. It is what -- what do you mean by that?

3 A. It is what it is, whatever the records show.  
4 I just go and try to get help.

5 Q. Okay. That's fair. When did you start  
6 suffering from anxiety?

7 A. After all this happened. You know, part of  
8 the post traumatic stress is the anxiety, right, the  
9 whole thing.

10 Q. How long after this happened?

11 A. Right away, during.

12 Q. What about depression, when did you start  
13 suffering that?

14 A. That just goes up and down, I mean. This --  
15 I am not going to let this ruin my life. Okay?

16 Q. I understand that.

17 A. So I'm struggling through it.

18 Q. How long after --

19 A. And your people are not going to bring me  
20 down.

21 Q. How long after September --

22 A. I don't want to be diagnosed with anything.

23 MR. PADDEN: Just wait for the next  
24 question.

25 Q. How long after September 13th of 2013 were

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1 you first diagnosed with depression?

2 A. I wasn't diagnosed. I just had it.

3 Q. You've never been diagnosed with depression?

4 A. No. I just experienced it. I'm  
5 experiencing post traumatic stress. I've been  
6 told -- people tell me I have it when they hear me  
7 talk about this and it's probably showing up now.

8 Q. Have you ever been diagnosed with insomnia?

9 A. No, but I've had insomnia. I've had  
10 depression.

11 Q. How much weight are you claiming to have --

12 A. I have anxiety.

13 Q. How much weight are you claiming to have  
14 lost on account of my clients' --

15 A. I just lost a lot of weight. And then  
16 I gained it back --

17 MR. PADDEN: Michelle --

18 A. -- and then I'll lose it --

19 MR. PADDEN: -- let him finish the  
20 question, please.

21 Q. How much weight are claiming to have lost on  
22 account of my clients' actions?

23 A. At the beginning I wasn't eating, so I don't  
24 know how much weight. I don't weigh myself. I  
25 don't even have a scale at home. But my clothes

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1 were hanging off me.

2 Q. On average how many hours have you slept per  
3 night since September 13th of 2013?

4 A. I don't know. It's been a lot of years. It  
5 took me many years to get to this point. That's a  
6 stupid question.

7 MR. PADDEN: Come on, Michelle, you  
8 can't -- please --

9 A. I just don't know.

10 MR. PADDEN: Let's be respectful.  
11 Michelle, you're an attorney --

12 A. Four, five.

13 MR. PADDEN: Don't comment on his  
14 questions, please. Okay? Answer his questions.

15 A. Four or five.

16 Q. Are you on any medications for mental  
17 health?

18 A. No.

19 Q. Have you ever been?

20 A. No.

21 Q. Any doctor ever told you you needed to be  
22 medicated?

23 A. No.

24 Q. Now the records that you produced in this  
25 lawsuit indicate that you first saw Dr. Meyer on May

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1 7 of 2015. Does that sound accurate to you?

2 A. Yes.

3 Q. Fair to say then that between September 13,  
4 2013 and May 7 of 2015 you did not seek treatment  
5 from a mental health professional?

6 A. No, that's not fair to say, because I had a  
7 psych eval that you guys made me do that said I've  
8 got to see somebody, basically that's what it said.

9 Q. It was a court ordered psych eval?

10 A. Right. That you guys made me do.

11 Q. When you say, you guys, you mean the court,  
12 right?

13 A. Yeah.

14 Q. I'm not the court. I work for the county.

15 A. The county --

16 Q. The court works for the state.

17 A. The county made me do. And that's when I  
18 said I better get some help.

19 Q. And that was in October of 2014, correct?

20 A. Yes.

21 Q. So then you waited until May of 2015 to get  
22 help, correct?

23 A. Right.

24 Q. Aside -- aside from court ordered psych eval  
25 in October of 2014, did you obtain any other mental

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1 health treatment or counseling of any type between  
2 September 13th of 2013 and May 7th of 2015?

3 A. Just my dad every day.

4 Q. Talking to him?

5 A. Yes. And praying.

6 Q. You've also referenced Azber Ansar?

7 A. Yes.

8 Q. He's associated with Family Innocence,  
9 right?

10 A. Yes. Not -- not -- he's been a part of it  
11 here and there.

12 Q. And he referred you to Dr. Meyer?

13 A. He did. I knew he was a PTSD doctor, and he  
14 referred me to Dr. Meyer, because it wasn't getting  
15 any better.

16 Q. Records I've obtained indicate you saw  
17 Dr. Meyer on May 7, 2015 and you've seen her six  
18 other times?

19 A. Yes.

20 Q. June 13, 2015, July 3, 2015, August 1, 2015,  
21 August 24, 2016, September 7, 2016, and September  
22 29, 2016.

23 A. Yes.

24 Q. Have you seen her since September 29, 2016?

25 A. I was supposed to see her yesterday, and I



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1 blocked out the appointment.

2 Q. You left the appointment?

3 A. Yeah, I blocked it out. So those are the  
4 times that I've seen her. And I try to see her as  
5 often as I can. But I try not to disrupt as much as  
6 you've disrupted my life since that day. I'm trying  
7 to -- but I do go see her.

8 MR. PADDEN: What's that?

9 MR. TIMMERMAN: Nothing.

10 A. Yep.

11 Q. Why did you take a one-year gap between  
12 August 1st of 2015 and August 24th of 2016?

13 A. Because I was coping with it myself, talking  
14 with my dad who has been my doctor since birth, and,  
15 you know, going to church, and, you know, just  
16 trying not to ruminate about it. So I was coping  
17 with it with myself. And then it got to the point  
18 where I realized I needed to see someone. I  
19 didn't -- you know, I know right away people were  
20 telling me I had PTSD, the way I was acting, and I  
21 didn't want to acknowledge it. I just kept coping  
22 with it.

23 And then I -- I -- I had that -- I had  
24 this -- had your psych eval, and then like -- I'm  
25 like, oh, something -- I gotta do something about

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1 this, and then it prompted me to do something about  
2 it as best I could. It still takes time away from  
3 my life.

4 Q. Do you recall what type of tests Dr. Meyer  
5 administered to you? Do you know if she  
6 administered the MMPI-2?

7 A. Administered? She didn't -- I don't think  
8 she administered any tests to me.

9 Q. Never administered the trauma symptom  
10 inventory to you?

11 A. No, not that I recall, no.

12 Q. Have you ever had a trauma symptom inventory  
13 administered to you?

14 A. No.

15 Q. Do you know what the trauma symptom  
16 inventory is?

17 A. No.

18 Q. Do you recall any type of an MSE or mental  
19 status exam that Dr. Meyer performed?

20 A. No.

21 Q. The diagnosis in Dr. Meyer's psychotherapy  
22 notes is, quote, "other specified anxiety disorder,"  
23 end quote. Do you know what that means?

24 A. No. I haven't even looked at her notes.

25 Q. Are you familiar at all with the DSM-5?

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1 A. No.

2 Q. Are you planning to present any expert  
3 testimony at trial regarding your alleged mental and  
4 emotional distress?

5 A. Probably my doctor.

6 Q. Dr. Meyer?

7 A. Mm-hmm.

8 Q. And what will the subject of her testimony  
9 be to the best of your knowledge?

10 A. What -- whatever she said in those notes.

11 Q. Have you retained any experts in this  
12 lawsuit?

13 A. No.

14 Q. Have you consulted with any experts in this  
15 lawsuit?

16 A. No.

17 MR. TIMMERMAN: Take a quick break?

18 MR. PADDEN: Sure.

19 THE VIDEOGRAPHER: We're going off the  
20 record. The time is 2:05 p.m.

21 (Break from 2:05 to 2:12 p.m.)

22 THE VIDEOGRAPHER: Back on the record.  
23 The time is 2:12 p.m.

24 (MacDonald Deposition Exhibit No. 14  
25 marked for identification.)

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1 BY MR. TIMMERMAN:

2 Q. Ms. MacDonald, this is Exhibit 14 to your  
3 deposition, and this is a document you produced. Do  
4 you recognize it?

5 A. Yes.

6 Q. You testified earlier about having a  
7 court-ordered psychological evaluation --

8 A. Right.

9 Q. -- correct?

10 A. Right. And the judge wanted to do it in the  
11 contempt motion, too, because the judge thought  
12 something was wrong with me.

13 Q. It looks like I may have gotten my date  
14 wrong, it appears this may have occurred on October  
15 17, 2014.

16 A. What?

17 Q. This evaluation.

18 A. November 4? Oh, it's written.

19 Q. Correct. If you look at the paragraph  
20 starting, following her conviction, interviewed at  
21 the ACP offices in Apple Valley October 17, 2014.

22 A. Right.

23 Q. Oh, and then you completed testing with  
24 MMPI-2 on October 2, 2014?

25 A. Right.

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1 Q. So did you meet with Dr. Hanson multiple  
2 times?

3 A. I believe so.

4 Q. And he administered the MMPI-2 to you?

5 A. I believe so.

6 Q. Do you know what that is?

7 A. No.

8 Q. And this evaluation was conducted in the  
9 aftermath of your conviction for -- for what? For  
10 the implied consent and --

11 A. For obstructing legal process.

12 Q. And refusal to submit to test?

13 A. Right.

14 Q. Third degree?

15 A. Right.

16 Q. Did those convictions cause you mental and  
17 emotional distress?

18 A. No.

19 Q. None whatsoever?

20 A. No.

21 Q. Did the criminal charges that resulted in  
22 those convictions cause you mental or emotional  
23 distress?

24 A. No.

25 Q. Do you believe that your conviction for test

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1 refusal and obstruction of justice damaged your  
2 professional reputation?

3 A. It could have.

4 Q. Do you have any evidence that it did?

5 A. Well, it was -- I ultimately got exonerated  
6 of DUI, and that was my concern.

7 Q. Okay. But my question is, do you have any  
8 evidence that your reputation was damaged by this  
9 conviction for test refusal and obstruction of  
10 justice?

11 A. I -- I don't know, I mean, what happened is  
12 your -- your issue, what your people did to me is  
13 very similar to what these people did to me. But I  
14 am -- I was already exonerated of the contempt when  
15 this went to trial.

16 Q. Okay. Did this conviction for test refusal  
17 and obstructing legal process impact in any way your  
18 relationship with the republican party of Minnesota?

19 A. Yes.

20 Q. How so?

21 A. They presented an article that I was charged  
22 with -- you know, this was old, they printed an  
23 article, had an article printed.

24 Q. The republican party did?

25 A. Mm-hmm.

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1 Q. And did they ultimately --

2 A. It was before that article come out I was --  
3 I got phone calls that the article was going to come  
4 out by -- by people in the republican party that  
5 wanted me to revoke my endorsement, and then the  
6 article -- there's an article that came out.

7 Q. Do you think that article hurt your  
8 professional relation -- or your reputation?

9 A. Yes.

10 Q. Did that article cause you mental or  
11 emotional distress?

12 A. No, because I knew it was false. I just  
13 knew I had to get through it.

14 Q. And --

15 A. It didn't cause me mental or emotional  
16 distress.

17 Q. The Minnesota republican party ultimately --  
18 did the party rescind its endorsement of you in  
19 2014?

20 A. No, they kept my endorsement. I was  
21 endorsed throughout 2014. They never rescinded it.

22 Q. And there was an incident at the state fair  
23 that year, correct?

24 A. Yes, not an incident. That was the first  
25 day of the state fair. There was an incident, yes,

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1 where they -- somebody called me and asked me not to  
2 go. But I had everything set up with my volunteers  
3 and it was such an informal request from what I  
4 understand, and I showed up.

5 Q. Was there a confrontation?

6 A. There wasn't a confrontation that I could  
7 see. I was just showing up and I guess the media  
8 was there and they were -- they had a bouncer  
9 basically, so I call that a confrontation.

10 Q. And you were denied access to the tent,  
11 correct?

12 A. Right, right.

13 Q. Do you think -- that was highly publicized,  
14 correct?

15 A. Right.

16 Q. Do you think that incident damaged your  
17 professional reputation?

18 A. It could have, yes.

19 Q. Did that incident cause you to feel anxious?

20 A. This incident -- you're -- go ahead.

21 Q. Did that incident at the state fair cause  
22 you to feel anxious or depressed or stressed?

23 A. No. Your incident is totally different than  
24 these incidents. So you're -- I'm talking about the  
25 trauma that I experienced.



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1 MR. PADDEN: Just answer his question.

2 A. This is -- the personal injury that your  
3 people inflicted on me. This was not that.

4 Q. On pages 3 and 4 Dr. Hanson discusses your  
5 recounting to him of the incidents that make up the  
6 allegations in this lawsuit. And on page 4 at the  
7 top of the page Dr. Hanson concludes that despite  
8 this her statements did not seem to indicate that  
9 here ability to work and to function in her personal  
10 and professional life have been compromised by these  
11 symptoms of anxiety.

12 A. Correct.

13 Q. Do you agree with that statement?

14 A. I do. Yes, I do.

15 Q. Okay. If you turn to page 5 please under  
16 the mental status heading.

17 A. Mm-hmm.

18 Q. Dr. Hanson says, Ms. Shimota was polite and  
19 cooperative. She was focused and attentive. She  
20 did not display any indicators of cognitive,  
21 emotional, or mental health disturbance.

22 Do you agree with that conclusion?

23 A. That was his conclusion.

24 Q. Do you agree with it?

25 A. Sure.

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1 Q. Next page, please, page 6, under the  
2 diagnostic formulation heading, Dr. Hanson says, the  
3 following diagnoses are offered in accordance with  
4 the criteria set forth in the Diagnostic Statistical  
5 Manual of Mental Disorders, Fifth Edition, DSM-5, no  
6 diagnosis.

7 Do you see that?

8 A. Yes.

9 Q. Is it your understanding that Dr. Hanson did  
10 not diagnosis you with any type of mental health  
11 disturbance?

12 MR. PADDEN: Objection; lacks  
13 foundation. Go ahead and answer if you can.

14 A. I don't know that he did.

15 Q. You don't know one way or another, correct?

16 A. I don't think he did. I think I'm mentally  
17 sound.

18 Q. Then Dr. Hanson says, she does recount a  
19 history of what seemed to be mild symptoms of  
20 anxiety and post traumatic stress that developed  
21 following difficult interactions she had with the  
22 criminal justice system, particularly following an  
23 incident in September 2013. Her statements  
24 regarding these symptoms suggest that they are  
25 subclinical in nature, that they are not

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1 debilitating, nor do they interfere with her ability  
2 to function in what seems to be a highly demanding  
3 career as well as in her personal life. Though  
4 reportedly troubling to her, they do not impress the  
5 undersigned as constituting a diagnosable  
6 psychiatric disturbance that merits treatment.

7 Do you agree with that statement?

8 A. If that's what he thinks.

9 Q. I'm asking if you personally think --

10 A. I may not -- I've tried to persevere, so.

11 Q. My question for you --

12 A. I'm okay with it.

13 Q. My question is, do you personally agree with  
14 that conclusion?

15 A. Yes and no. I don't know. It's his  
16 conclusion.

17 Q. And I'm --

18 A. I've -- I've experienced it. So I'm glad  
19 that he thinks that I'm good.

20 Q. That's his conclusion. I'm simply asking  
21 whether you agree with it.

22 MR. PADDEN: Again, objection; lacks  
23 foundation. It's from a mental health professional.  
24 Answer if you can.

25 A. I think I answered. I -- it is what it is.

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1 And it's -- I think it's good. I mean, I think  
2 you -- you -- I'm persevering in all of this from  
3 what you people did to me. I'm trying my darndest  
4 every day. So if that was his conclusion on that  
5 day, then thank you, Doctor.

6 Q. Dr. Hanson continued, the defendant  
7 impressions as demonstrating narcissistic  
8 personality traits. Do you see that?

9 A. Yes.

10 Q. Page 6. Have you ever been diagnosed with a  
11 narcissistic personality disorder --

12 MR. PADDEN: Objection; lacks  
13 foundation.

14 Q. -- by a mental health professional?

15 A. No. That's a personality test, right?  
16 That's not a disorder. People have personalities.  
17 You're probably narcissistic, so is everybody in  
18 this room. It's a piece of a personality.

19 Q. I mean, there are narcissistic --

20 A. You can have your judgments about it.

21 Q. There are narcissistic personality  
22 disorders. That's what I'm asking about --

23 A. Oh, no --

24 Q. There's clinical DSM-5 disorders. And I'm  
25 asking have you ever been diagnosed with one, you

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1 said no, so we'll move on.

2 A. No.

3 Q. In the last sentence of the psychological  
4 formulation paragraph Dr. Hanson says, her reactions  
5 to law enforcement during both arrest situations may  
6 have been intensified to over-personalize, as well  
7 as due to some sense of entitlement on her part, an  
8 expectation that she might be treated differently,  
9 paren, better, end paren, than others in similar  
10 circumstances. When that did not occur, she may  
11 have become more reactive as a consequence  
12 exacerbating the situation.

13 Do you agree with that statement?

14 A. No, I don't.

15 Q. Between September 13, 2013 and the present  
16 has your work caused you any anxiety?

17 A. My work?

18 Q. Correct.

19 A. It's busy, yes. It's not busy sometimes.  
20 That would cause me anxiety. Yeah. Just like your  
21 work causes you anxiety.

22 Q. What level of anxiety?

23 MR. PADDEN: We're not concerned about  
24 what causes him anxiety. He's asking about you.

25 A. I'm just saying that, again, seems like a

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1 ridiculous question. Obviously your work, you know,  
2 you're trying to get things done.

3 Q. What level --

4 A. Causes you anxiety.

5 Q. What level of anxiety? How anxious has your  
6 work made you during that time frame?

7 A. I'm pretty -- I'm pretty -- I kind of  
8 hydroplane over that and I just get my work done.

9 Q. Have either of your Supreme Court campaigns  
10 in 2014 and 2016 caused you any mental or emotional  
11 distress like anxiety, depression, or stress?

12 A. No.

13 Q. Did the Rucki girls' disappearance cause you  
14 to suffer any anxiety, depression, or stress of any  
15 type whatsoever?

16 A. No.

17 Q. None whatsoever?

18 A. No.

19 Q. Why not? I mean, they were -- they were  
20 gone for like two years, right, and that's your  
21 client. You didn't -- you weren't stressed at all  
22 about that?

23 A. No, I was just doing my work for her. The  
24 courts already -- I think the day after they went  
25 missing Judge Knutson got a letter from my client, a

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1 letter from the two girls, and he did nothing about  
2 it. I didn't even know that letter for months, but  
3 Judge Knutson knew the whole situation, so.

4 Q. Knew the whole situation about what?

5 A. The day -- two days after the girls ran  
6 away, Sandra -- Sandra wrote a letter, that I  
7 learned of later, and wrote a motion to Judge  
8 Knutson on her own, and had two letters from the  
9 girls saying they wanted to be with their mom and  
10 filed it with Judge Knutson and the appellate court  
11 two days after.

12 Q. When did you start representing Sandra?

13 A. January 1 -- January 3, 2013 is when she  
14 retained me.

15 Q. Now, I understand that the judicial election  
16 committee, I might be using the wrong terms here,  
17 recommended your endorsement for the republican  
18 party's candidacy for Supreme Court this year,  
19 correct?

20 A. Yes, they did.

21 Q. But then ultimately the body, the  
22 electorate, decided not to endorse any candidate,  
23 correct?

24 A. Right.

25 Q. And why was that?

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1 A. Well, I'm not sure. There was a motion made  
2 and testimony taken. And I remember one attorney  
3 getting up there on the stand and maybe pointing out  
4 this case. He had a big screen and against me, but  
5 it ended up they just decided not to endorse any  
6 judges.

7 Q. The attorney, was that Harry Niska?

8 A. Yes.

9 Q. Do you recall Harry Niska circulating a  
10 three-page --

11 A. I want to see that, yeah, I thought he did  
12 circulate something, yes, I want to see that.

13 Q. Have you ever seen it?

14 A. No, it was there just up on the big screen  
15 when I was thinking, I was preparing a speech, I had  
16 a speech ready.

17 Q. Are you aware that it's available online?

18 A. No, I didn't know it was online.

19 Q. Do you think that the republican party's  
20 refusal to endorse you for Supreme Court in the 2016  
21 election has damaged your reputation?

22 A. No, because the -- well, I think that letter  
23 that mentioned my demeanor has damaged my  
24 reputation, not in general.

25 Q. Okay.



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1 A. It's because of what happened to me here  
2 that -- this is the source of it. You know what I'm  
3 saying? This is the source of it. Because nobody  
4 knows the real truth of what you guys did to me  
5 here.

6 Q. I've read the Niska letter. And --

7 A. Well, can you get that? Where is it online?  
8 Because I'd like to see it.

9 Q. Let me look.

10 A. Well, you could print it off. Because I  
11 want -- the truth has to come out about what you  
12 guys did to me here, instead of all this cover-up.  
13 And pretending that you didn't do anything and this  
14 was all business as usual and that I did something  
15 wrong when I didn't.

16 Q. The document is entitled, Judicial Election  
17 Committee Minority Report, by David Asp and Harry  
18 Niska.

19 A. And they have that posted?

20 Q. Yep.

21 A. Who posted it?

22 Q. It's on mngop.com.

23 A. Okay.

24 Q. Okay. So you don't know one way or another  
25 whether that report has damaged your reputation?

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1 A. I'm certain it has. I'm certain it has.  
2 Now you're saying it's online.

3 Q. Has that caused you any mental or emotional  
4 distress, this process of not being endorsed by the  
5 republican party?

6 A. No, no, because the truth is that I had  
7 every single -- remember I explained the judicial  
8 selection committee was made up of the 10 districts  
9 and two were appointed. You know, so there was 20  
10 of those, Keith Downey appointed these two lawyers,  
11 Harry Niska and someone else, they're thrown into  
12 the group, and they're lawyers. So that's the legal  
13 community, right.

14 And they're -- they're the ones that believe  
15 this stuff, believe something's wrong, that I have  
16 done something wrong. Do you see what I'm saying?  
17 It's the legal community and my reputation that  
18 you've destroyed.

19 Q. Well, one of the things they reference  
20 that --

21 A. That I'm keeping -- I'm always trying to  
22 keep -- keep -- keep telling people what really went  
23 on so that I can regain my reputation with -- on and  
24 on and on.

25 Q. One of the things referenced in the memo is

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1 that you sued the republican party. Is that  
2 correct?

3 A. Yeah, it wasn't a lawsuit, it was you do --

4 Q. Administrative?

5 A. It was when -- yeah, it was when a lawyer  
6 called me and left a message threatening me,  
7 threatening my family, my business, my reputation,  
8 if I didn't withdraw my endorsement. Because he  
9 knew about this incident. It's another thing. It  
10 goes back to this incident. He knew about this  
11 incident. I had shared with him the pictures and  
12 things like that in confidence, and he was, you  
13 know, he was like, this incident is going to come  
14 out, so.

15 Q. Who did you share with?

16 A. It was --

17 Q. Keith Downey?

18 A. No, no, no, no. His name was Patrick Burns.  
19 So he was an attorney that was very saddened by what  
20 happened to me, but he also was part of the  
21 republican party somehow. And he's the one who  
22 called me and said, this is going to be -- not look  
23 good.

24 Q. Okay.

25 A. What you guys did to me, it's not going to

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1 look good for the republican party, you guys.

2 Q. Well, the report also references the video  
3 of your test refusal arrest that's available online,  
4 correct?

5 A. Right, right.

6 Q. Do you think that video being available  
7 online has damaged your reputation?

8 A. I don't think so, no.

9 Q. Your driver's license was ultimately  
10 revoked, correct?

11 A. I believe so. Right at the beginning.

12 Q. For how long? Do you recall?

13 A. I was representing myself. I don't recall.  
14 And then they stayed it. So they never clipped my  
15 license or anything, that I remember. They gave me  
16 my license back and then they said it was revoked  
17 and they stayed it because I was doing appeals. So  
18 it was never revoked -- it wasn't revoked for that  
19 long.

20 Q. And what -- but it was revoked for some  
21 period of time?

22 A. I believe so.

23 Q. Did that cause you any mental or emotional  
24 distress?

25 A. No, I just had to get rides.

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1 Q. Do you think that damaged your reputation at  
2 all?

3 A. It wasn't -- I would hope not.

4 Q. It was a reported case in the Minnesota  
5 Court of Appeals, correct, on the revocation of your  
6 driver's license?

7 A. Yes.

8 Q. So that information was out there, correct?

9 A. Right.

10 Q. Do you think that hurt your reputation?

11 A. It could have. It could have. But when  
12 you're arrested in court, I think that's like huge  
13 and that's probably hurt my reputation worldwide.  
14 So that's why it needs to be exposed what you guys  
15 did to me.

16 Q. There's also a lawsuit by Great Southern  
17 Bank. Are you aware of that?

18 A. Yes.

19 Q. Against -- who is Eldorado Commercial LLP?

20 A. Eldorado Commercial LLP is my -- owns the  
21 building that my husband owns.

22 Q. Is your husband a shareholder or?

23 A. Tom Shimota, he's a partner.

24 Q. Partner in Eldorado?

25 A. Yeah.

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1 Q. Is Eldorado still around?

2 A. No, not really. I mean, it owns the  
3 building. He -- and I think if you found that, you  
4 also found his affidavit. His brother died a year  
5 and a half ago, who was the -- and he was the last  
6 surviving, quote, partner, and two partners before  
7 that filed bankruptcy, so he's struggling with that.

8 Q. Sure. Now, I did see that there was a  
9 judgment entered against your husband jointly and  
10 severally in the amount of \$1,104,079.28, is that  
11 correct?

12 A. Right.

13 Q. Is that judgment still outstanding?

14 A. That is, you know, if you know anything  
15 about foreclosure, that -- yeah, I mean, they had  
16 to -- we worked with the bank attorney, who was  
17 very, very nice by the way, so that he could speed  
18 up the process. So the judgment is just because  
19 there's a foreclosure sale coming up.

20 Q. Okay. And --

21 A. They had to get a judgment because they had  
22 to have a value for the business --

23 Q. The judgment indicates that if the property  
24 sells for less than the amount of the judgment, that  
25 the defendants will be jointly and severally

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1 reliable for the residual, correct?

2 A. Does say that, yes.

3 Q. Does that cause you any stress?

4 A. No, not at all. It causes me great unstress  
5 to get that building taken care of.

6 Q. Okay. Hasn't caused you any emotional or  
7 mental stress whatsoever?

8 A. No, that's my husband's piece.

9 (MacDonald Deposition Exhibit No. 15  
10 marked for identification.)

11 BY MR. TIMMERMAN:

12 Q. Ms. MacDonald, this is Exhibit 15 to your  
13 deposition.

14 A. Mm-hmm.

15 Q. Presumably you recognize this document,  
16 correct?

17 A. Yes.

18 MR. PADDEN: Jeff, I'm not sure I'm  
19 going to allow any questions from this petition.  
20 This matter is still being adjudicated. I just  
21 don't think it's really appropriate for this to be  
22 covered in a discovery deposition. My client's  
23 represented by counsel also on this, and I don't  
24 know. What do you plan to ask about this?

25 MR. TIMMERMAN: Questions about when it

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1 was filed, when she first learned when that was  
2 coming, and if it's caused her any distress.

3 MR. PADDEN: Okay. Fair enough.

4 MR. TIMMERMAN: I'm not going to delve  
5 into the merits of this.

6 MR. PADDEN: That's fine.

7 BY MR. TIMMERMAN:

8 Q. So when did you learn that the Lawyers  
9 Professional Responsibility Board Panel was --  
10 was -- had filed an ethics complaint against you?

11 A. You're mixing that up. Judge Knutson, based  
12 on what your people did here, he's the one who  
13 filed. And it was sometime -- I think I got notice  
14 of it sometime in February, April of 2014.

15 Q. Of Judge Knutson's ethics --

16 A. Judge Knutson made the complaint, he wrote  
17 to the lawyer's board about this incident.

18 Q. You've also filed ethics complaints against  
19 Judge Knutson, you testified about that --

20 A. I did.

21 Q. -- correct?

22 A. Yes.

23 Q. Do you understand what relief the  
24 Professional Responsibility Board is seeking against  
25 you in this action?



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1 A. I don't know.

2 Q. Do you believe this petition for  
3 disciplinary action and the fact that you are part  
4 of an active ethics charge has harmed or damaged  
5 your professional reputation?

6 A. Right now, yeah, absolutely, yes. Yes, this  
7 just got filed after this election.

8 Q. Because this has been publicized, correct?

9 A. It just got publicized, yes.

10 Q. Star Tribune has published it. Minnesota  
11 Lawyer has published it.

12 A. Yeah. Right after the -- I won the  
13 primaries in the election. They decided to file  
14 this and make it public.

15 Q. Has this caused you -- the fact that you're  
16 subject of this Professional Responsibility Board  
17 action before the Supreme Court of the state of  
18 Minnesota, has that caused you mental or emotional  
19 stress?

20 A. Yes.

21 Q. How significant?

22 A. Well, if you read it, it's all about what  
23 you -- your people, your defendants did to me. It  
24 all stems from that, kind sir.

25 Q. Well, I mean --

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1 A. Okay.

2 Q. --- I'll admit it's somewhat about that.

3 A. So now -- now this is -- on top of  
4 everything else now there's this. On top of  
5 everything that stems from that day, September 12,  
6 2013, now there's this.

7 Q. This indicates that you were disciplined  
8 in -- with an admonition in August of 2012, is that  
9 accurate?

10 A. Not really. I wasn't disciplined. I'll  
11 show you the materials on that if you need it.  
12 This -- you could -- it's a flowery way of saying  
13 what really happened.

14 Q. Were you given a formal admonition?

15 A. No, I wasn't. It was a private admonition.

16 Q. Okay. You were given an admonition, it just  
17 wasn't public?

18 A. It was private. And it was an attorney, his  
19 name was Brian Thompson, who had worked for me. He  
20 left my law firm, started his own practice, took a  
21 case with him. It was the Whitehead case. He was  
22 working on it I guess, and he -- they filed against  
23 him and then he died. This is how crazy this is.  
24 He died, and they filed against my law firm, and --  
25 you know, because he used to work for me. And I had

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1 an attorney there who said they can't do that, but  
2 they were doing it anyway.

3 And they -- I think there was -- it was  
4 determined there was some like \$200, some small  
5 amount in my trust account that this client had  
6 gotten bills for, you know, showing you have this  
7 amount. So they found that. And I said, oh, yeah,  
8 I can give him back that money that Brian didn't  
9 take with him or left in trust.

10 And then there was -- what else happened  
11 there. Yeah, they said nonlawyer. I didn't  
12 understand that.

13 Q. Okay.

14 A. Conduct of a nonlawyer, because he was a  
15 lawyer.

16 Q. Are you concerned that you're going to be  
17 disbarred?

18 A. I hope -- I'm not, no. I don't think. I  
19 mean, unless you know something -- I think they --  
20 they want to punish me somehow because of what  
21 happened in that courtroom, because I sued a judge,  
22 because you guys arrested me and I'm speaking out on  
23 it.

24 Q. Fair to say that you're --

25 A. I think they would like that. I don't know

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1 why this is even brought.

2 Q. Fair to say that there are other matters  
3 that are referenced in this complaint, correct?

4 A. Yes, other -- the whole matter.

5 MR. PADDEN: I don't want to get --

6 A. Okay. I'm not going to get into the matter.

7 MR. PADDEN: He's just -- what he's  
8 trying to ask you is whether this is causing mental  
9 and emotional distress.

10 A. And I'm saying yes.

11 MR. PADDEN: Okay. Thank you.

12 Q. Since you're claiming your attorneys fees  
13 and costs associated with other matters, how much  
14 did you pay out of pocket in attorneys fees and  
15 costs in connection with Mr. Fluegel's prosecution  
16 for your court arrest -- courthouse arrest, excuse  
17 me?

18 A. For the -- for the contempt?

19 Q. Correct.

20 A. I believe I gave you those numbers. I think  
21 that Stephen Grigsby didn't charge me for that. He  
22 didn't charge me for the courthouse arrest.

23 Q. Okay. So he represented you for free?

24 A. He did.

25 Q. So you did not incur any costs --

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1 A. I might --

2 Q. Did not incur any attorneys fees or costs in  
3 connection with Mr. Fluegel's prosecution of you for  
4 the contempt charge?

5 A. I'm not sure. I gave you those numbers. So  
6 they're in my interrogatories. What I'm trying to  
7 say is he didn't want to charge me, and I -- I  
8 didn't think that was fair. Because he is the one  
9 who had called the jail and saw on the news that I  
10 was arrested. So when I called him, which was a few  
11 weeks later, he said since I called the jail I  
12 shouldn't charge you, and I said that doesn't  
13 sound fair, I should pay you something, so.

14 Q. In your interrogatories you have, defense  
15 related matters, Stephen Grigsby \$14,250. What  
16 would that have been for? Was that your DUI charge  
17 or was that your contempt charge?

18 A. He represented me in the petition for  
19 disciplinary action. I can't imagine it being that  
20 much for the DUI.

21 Q. Well, that case went to trial and it was  
22 appealed and then cert was sought, correct?

23 A. Right. So I'll have to distinguish that for  
24 you, but I -- you're -- you asked me one question,  
25 let me just answer it. I don't think he charged me

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1 for the contempt.

2 Q. Okay.

3 A. I think he did not charge me. I think I had  
4 other costs. I had to pay for the other things,  
5 but.

6 Q. Court costs?

7 A. Court costs, and things like that, and time  
8 away from my job, which you keep insisting to have  
9 happen.

10 Q. How much have you paid out of pocket --  
11 strike that, please. That's -- let me rephrase  
12 that.

13 You would agree with me I think that your  
14 confinement in the Dakota County jail and in the  
15 courthouse holding area didn't cause you to suffer  
16 any attorneys fees or costs, correct? It was your  
17 arrest that caused that, correct?

18 A. My arrest -- from beginning to end?

19 Q. Correct.

20 A. And then what?

21 Q. The arrest caused you to be charged, not  
22 your conditions of confinement in the jail, correct?

23 A. Caused me the charge of what?

24 Q. Caused you to incur attorneys fees -- I  
25 guess no attorneys fees, but court costs in the